

THE GOVERNMENT
AND
CIVIL INSTITUTIONS
OF
OHIO

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SUPPLEMENT TO
GOVERNMENT: ITS ORIGIN, GROWTH AND
FORM IN THE UNITED STATES

By R. LANSING *and* G. M. JONES

THE GOVERNMENT OF OHIO

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THE GOVERNMENT OF OHIO.

CHAPTER I.

TERRITORIAL GOVERNMENT.

Two Periods of Government.—Civil government in Ohio covers two distinct periods. The first is the territorial government extending from 1787 to 1803. The second is the constitutional government extending from 1803 to the present time.

Territorial Claims.—Previous to the organization of the Northwest Territory under the federal Ordinance of 1787, the Ohio country lying immediately north and west of the Ohio River and south of Lake Erie was overrun by tribes of savage Indians. Successively, the French, the English and different American States had laid claim to this territory. The French relinquished their claim at the close of the French and Indian War. The English lost their title through the Revolution. Finally, a number of States claimed all of the territory north of the Ohio River, but in order that the Union of the States might be cemented, they ceded their claims to the federal government.

The Ordinance of 1787.—The general government undertook the organization of the territory by the passage

of the Ordinance of 1787. This ordinance is of interest because it fixed a mode by which territory under the control of the federal government should be governed and because it fixed certain personal rights which were reaffirmed afterwards in the State constitution, thus guaranteeing to us many of the blessings of freedom which we enjoy to-day.

The Ohio Company.—In 1786, the Ohio Company was formed in Massachusetts and purchased, through the agency of the Rev. Manasseh Cutler, nearly one million acres of land on the Ohio River just west of the Seven Ranges and lying on both sides of the Muskingum River. Under the direction of this company, on April 7, 1788, forty-eight persons landed on the east side of the Muskingum River, opposite the federal fortress known as Fort Harmar. This settlement, afterwards called Marietta, became at once the seat of territorial government.

Organization of Government.—The first Governor appointed under the terms of the Ordinance of 1787 was General Arthur St. Clair. The territory under the jurisdiction of Governor St. Clair extended from Pennsylvania to the Mississippi River and from the Ohio River to the Great Lakes.*

The government was vested in a Governor and three judges whose duties were to adopt and publish such laws of the original States as might be necessary. The Governor was vested with power to appoint the officers

* By the provisions of the Ordinance, this territory could be divided into three States, or, if the people should prefer, into five. Out of this territory have been carved Ohio, Indiana, Illinois, Michigan and Wisconsin.

needed in the operation of government. Whenever the territory should contain a population of five thousand or more people, a legislature might be elected. The first legislature of the Northwest Territory met at Cincinnati in 1799.

Division of Territory.—In 1800, the territory was divided. The name, Ohio, was then applied to the eastern portion, while the western portion was called Indiana. In 1802, Congress passed an act to enable the people of the eastern division to form a constitution preparatory to State government. In November, a convention met at Chillicothe and framed a constitution, which was not submitted to the people. On February 19, 1803, Congress passed an act which made Ohio a judicial district, and thus it was constituted a State.

Powers of the Territorial Governor.—Under the Ordinance of 1787, both the township and the county were recognized. But there was no such thing as local self-government; for all the officers of both township and county were appointed by the Governor and they were thus federal officers. The Governor held a veto power which gave rise to controversies between him and the territorial legislature.

CHAPTER II.

THE FIRST CONSTITUTION.

Two Constitutions.—The government of Ohio as a State extends over two distinct periods marked by different constitutions. The Constitution of 1802 was the supreme law of the land from the time of the admission of Ohio into the Union until 1851, when it was displaced by the present Constitution.

Powers of the Legislature.—Under the Constitution of 1802, the three departments of government, executive, legislative and judicial, were organized on the general plan of the federal government. But the experiences of territorial government made the people more jealous of their rights and powers, and so the governmental powers were very generously bestowed upon the representatives of the people, the Legislature. The veto power was denied the Governor, most of the offices were filled by legislative appointment, and the jurisdiction of the courts was determined by the Legislature. The Governor had very limited powers, and was made to feel constantly the superiority of the Legislature.

The Seat of Government.—The legislatures of Ohio convened at Chillicothe from 1803 to 1816, excepting two years, when the seat of government was located temporarily at Zanesville. In 1816, Columbus, near the

center of the State, was chosen as the capital under a proposal of gifts of land to the State with suitable buildings for governmental purposes as inducements.

The Counties.—When the first Constitution was adopted, there were ten counties in Ohio, viz., Washington, Hamilton, Wayne, Jefferson, Ross, Adams, Fairfield, Clermont, Trumbull, and Belmont. In 1811, the counties had increased in number to forty-one; while, at the time of the adoption of the present Constitution in 1851, the number had increased to eighty-eight, and that has been the number ever since.

Growth Under the First Constitution.—Ohio grew rapidly during the first half of the nineteenth century. In population the State grew from about 50,000 at the time of its admission into the Union to 1,980,329 in 1850. The political divisions known as counties increased, as has been shown, from ten to eighty-eight. Ohio University, Marietta College, Kenyon College, Western Reserve University, Denison University, Oberlin College, and Miami University, were established. Transportation was made easy by the building of the National Road, the development of steam navigation on the lakes and rivers, the digging of canals and the construction of railroads. This development of the State attracted vast amounts of capital.

Necessity for New Constitution.—Much of this development had not been anticipated at the time of the formation of the Constitution of 1802; consequently, after a period of fifty years, it was found to be inadequate to the needs of the State. In 1849, the Legislature decided to submit to popular vote the question of calling a consti-

tutional convention. The people approved this plan. A convention of delegates met in Columbus in 1850, and framed the present Constitution, which was completed March 10, 1851, and approved by a vote of the people the following June.

CHAPTER III.

NATURE OF STATE GOVERNMENT.

Government Comes from the People.—As the federal constitution is made in the name of the people, so also is the Ohio constitution. Both instruments, in their preambles, say: “We, the people . . . do establish this Constitution.” Dr. I. W. Andrews has called attention to the peculiar form of our government in the following words: “Our government is not a simple or consolidated, republic on the one hand, nor, on the other, is it a league of States. The American people constitute a nation, with a republican government. The nation has a constitution in which the character of the government is clearly delineated. This constitution is the supreme law of the land. But the country is divided into divisions called States, each of which has a constitution. The people of the whole Nation have made the general constitution, while the people of each State have made a constitution for that political division. The National Constitution is operative throughout the whole domain; it is binding on all the people. The constitution of a State is confined in its operation to the State limits; beyond them it has no force. But within the State, it is the organic law, whose provisions, unless conflicting with the National Constitution or the laws enacted under it, must be carried out.”

Although we live under this system of double government, there are no conflicts. The powers of government come from the people. The people have delegated some powers to the National government and some to the State government. Not the same powers are delegated to both.

Contents of Constitution.—In our preceding study of the National government, we have seen the nature of the powers bestowed upon the general government. Now we shall study the powers granted to the State government through the State Constitution of 1851. It contains seventeen Articles as follows: I, Bill of Rights; II, Legislative; III, Executive; IV, Judicial; V, Elective Franchise; VI, Education; VII, Public Institutions; VIII, Public Debt and Public Works; IX, Militia; X, County and Township Organizations; XI, Apportionment: (a) Legislative, (b) Judicial; XII, Finance and Taxation; XIII, Corporations; XIV, Jurisprudence; XV, Miscellaneous; XVI, Amendments; XVII, Elections.

Rights of the People.—Under Article I, the people have made it clear that, in establishing over themselves a needed government, they have reserved unto themselves certain rights; that they do not agree to submit to an arbitrary and autocratic rule; and that they, through their constitution, not only restrain the government from an interference with certain personal rights but also make it obligatory upon the government to defend them in those rights. Thus, they guarantee to themselves the rights of liberty, of the protection of property, of altering the form of government, of assembling together, of trial by jury, of freedom in worship, of

the freedom of speech and of the press, of immunity from imprisonment for debt and for many other things enumerated under this Article. Yet no attempt is made to name all the rights remaining with the people; for Section 20 reads: “This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers, not herein delegated, remain with the people.”

CHAPTER IV.

THE LEGISLATIVE DEPARTMENT.

Number of Senators.—Like the federal government, the government of Ohio has three departments, legislative, executive and judicial. The legislative power is vested in two houses, the Senate and the House of Representatives. Each Senator is elected by the voters of the senatorial district which he represents. The State is divided by the Legislature into thirty-four such districts. For any district to have a Senator, its population must be at least one thirty-fifth of the entire population of the State. If a district does not contain a population equal to the ratio (one thirty-fifth of the entire population of the State), two districts may unite in the election of a Senator. Those districts containing more than the required ratio will have the number of Senators increased according to the population. The apportionment is made by the Governor, Auditor and Secretary of State. The present number of Senators is thirty-seven.

Number of Representatives.—Representatives are elected by the voters of the county, each county being entitled to one or more Representatives. The ratio for the apportionment of Representatives is determined by dividing the population of the State by one hundred. If the population of a county does not equal the ratio,

the county is entitled to one Representative, notwithstanding. The present number of Representatives is one hundred and twenty-one.

Term of Office.—Senators and Representatives are elected “on the first Tuesday after the first Monday in November” of the even years. They begin their term of office on the first day of January following and continue in office two years.

Qualifications.—To be qualified for office, “Senators and Representatives shall have resided in their respective counties, or districts, one year next preceding their elections.” Any absence on public business for the United States or for the State would exempt them from the enforcement of this provision. They must be qualified electors. No office holder of the United States government is eligible, nor is a person holding a lucrative office under the State government, unless it is a township office, the office of justice of the peace, of notary public, or of some department of the military service. No one who has ever been convicted of embezzlement of public funds can become a member of the General Assembly.

Organization.—Each house convenes on the first Monday of January of the odd years, at 10 o’clock, A. M., for the purpose of organizing. The Lieutenant-Governor presides over the Senate regularly. For the purpose of organization, the Secretary of State presides over the House of Representatives. Each house elects its own officers. In the Senate, these are a President *pro tempore*, to preside in the absence of the Lieutenant-Governor, a Clerk, a Sergeant-at-Arms, and their assistants. The officers of the House are a Speaker, a Speaker *pro tempore*, a Clerk,

a Sergeant-at-Arms, and their assistants. Both houses have also doorkeepers, porters, stenographers and pages. Each house makes its own rules and passes upon the qualifications of its members. A majority of all the members elected to each house constitute a quorum. Each house must keep a journal of its proceedings and two members may demand that the "yeas and nays" be recorded. Should vacancies occur in either house, they must be filled by election.

Privileges of Members.—Senators and Representatives are privileged from arrest during sessions of the General Assembly and in going to and returning from the same, except in cases of felony, treason, or breach of the peace. They are not to be questioned for any speech or debate in either house in any other place. While the proceedings of both houses are usually public, two-thirds of the members present in either house may order an executive session. Neither house can adjourn for a longer period than two days without the consent of the other nor to any other place than that in which both houses are in session.

How a Bill Becomes a Law.—A bill may originate in either house. To make a law of it, the following order of procedure must be observed. It must be read on three different days, unless, in case of urgency, three-fourths of the house in which it is pending shall dispense with the rule. It must be passed by a majority of the members in each house. It must be sent then to the Governor. If he signs it, it becomes a law. If he objects to it, he returns it to the house in which it originated. That house must proceed then to a reconsideration of the bill. If

two-thirds of the members and not less than those supporting the original passage vote to sustain the bill, it is sent to the second house. If here, after reconsideration, two-thirds of the members and not less than those supporting the original passage vote to sustain the bill, it becomes a law without the Governor's approval. If a bill is passed by both houses and held by the Governor without signature for a longer period than ten days during the time the General Assembly is in session, it becomes a law. If the General Assembly should adjourn before the expiration of the ten days, the bill would become a law, unless the Governor files his objections to the bill with the Secretary of State before the expiration of the ten days. In the last case, the bill would be returned to the General Assembly at the opening of the next session. There are, therefore, three ways in which a bill may become a law. It is worthy of note that, if a bill contains two or more sections, the Governor may sign one and object to the others. The approved section becomes a law.

Legislative Authority over Other Offices.—No Senator or Representative can be appointed to any office which has been created or the emoluments of which have been increased during his term of office as a member of the General Assembly until after one year has passed since the expiration of his term. The General Assembly has power to fix the terms of office and the compensation of all officers not provided for in the Constitution; but no salary can be increased or decreased within the existing term.

Money Expended by Legislature.—The only way in

which money can be drawn from the State treasury is by specific appropriation made by law and no appropriation can be made for a longer period than two years. As a new Legislature is elected every two years, this provision of the Constitution gives the people of the State the opportunity to say to every Legislature how the money shall be expended, or to elect a Legislature fully in accord with any proposed expenditures approved by the people.

Impeachment.—The same general principles and methods of impeachment which are found in the National Constitution for dealing with federal officers have been embodied in the Ohio Constitution for dealing with its officers.

Laws Must Be Uniform.—The Constitution provides that “all laws, of a general nature, shall have uniform operation throughout the State.” Constant pressure is brought to bear upon the Legislature for the enactment of laws which shall benefit especially particular localities. The ignoring of this provision of the Constitution has led to the passage of a number of laws which were subsequently declared unconstitutional by the Supreme Court of the State. Among such laws were many pertaining to municipalities; so that it was found necessary recently to revise the entire code of laws pertaining to incorporated cities and villages.

General Assembly Elects United States Senators.—It is the duty of the General Assembly to elect United States Senators, each State being entitled to two.*

* A full account of the method of procedure in the election of United States Senators is found in Lansing & Jones’ “Government” p. 65.

Compensation of Members.—The General Assembly fixes by law the compensation of its members and officers and no change in compensation can be effected during their terms of office. Thus the salaries of all members of the Legislature are fixed by some preceding Legislature. The salary, at the present time, is \$600 per year.*

General Assembly not a Judicial Body.—The General Assembly is expressly forbidden to exercise any judicial powers except in cases of impeachment. Thus the powers of the judiciary are reserved entirely for the courts.

Committees.—A large amount of the work of both houses of the Legislature is done through committees. Among the important committees are those on finance, agriculture, common schools, taxation and the judiciary, to which are referred all bills for investigation and report.

* The recent Legislature has raised the salary to \$1,000 per year, which the members of the next Legislature will be paid.

CHAPTER V.

THE EXECUTIVE DEPARTMENT.

Executive Officers.—For the execution of the laws, there is needed a great number of officers. Some of these are elected by the people, while others are appointed mainly by the Governor by and with the consent of the Senate. The officers elected are as follows : Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Attorney-General, State Commissioner of Common Schools, Dairy and Food Commissioner and Members of Board of Public Works. All hold office for two years, except the Auditor and Members of Board of Public Works whose terms are four years. The election occurs at the time of the regular fall election, the first Tuesday after the first Monday in November. The terms of office begin on the second Monday of January with the exception of the State Commissioner of Common Schools, whose term begins the second Monday in July. By amendment to the Constitution (1906), all State and county officers must be elected in the even numbered years and all other officers must be elected in the odd numbered years.

The Governor.—The supreme executive power of the State is vested in the Governor. He is especially charged with the enforcement of law and for that purpose may call out the militia of the State, if necessary. He may

require reports from all other departments of the executive branch of the State government. He appoints many officers and may dismiss from office for cause. He is required to communicate to the General Assembly at every session the condition of the State and to make recommendations regarding needed legislation. Beyond the duties of executing law, he participates also in the making of laws by approving with his signature bills passed by the General Assembly or by making objections to them. He may call the General Assembly into extraordinary session or he may adjourn both houses in case they can not agree upon an adjournment. He is Commander-in-Chief of the militia of the State, except when they are called into the service of the United States. Eligibility to the office of Governor requires a residence of one year in the State, citizenship in the United States and an age attainment of at least twenty-one years.

The Lieutenant-Governor presides over the Senate, and, in case of the death, resignation or disability of the Governor, he succeeds to the office of Governor. Should both the Governor and the Lieutenant-Governor become disabled or disqualified, the President *pro tempore* of the Senate would succeed to office and after him the Speaker of the House.

The Secretary of State collects and publishes the statistics of the State; he supervises the elections; he has charge of the laws and the publication of them; he is the medium of intercourse with the United States and with other states; he issues certificates of incorporation, and is the custodian of State records.

The Auditor is the book-keeper of the State. He keeps

a record of all financial transactions of the State, ascertains the amount of money due from counties, makes settlements with the county treasurers, has charge of the bureau of accounting and issues warrants on the treasurer for the payment of money appropriated by the Legislature.

The Treasurer is the custodian of all money belonging to the State. He pays out money on warrants issued by the Auditor. He publishes annually a statement of all receipts and expenditures.

The Attorney-General is the legal adviser of the State. He interprets the law for other State officers and advises them in their official acts. He is counsel for the State in cases in court to which the State is a party.

The State Commissioner of Common Schools has an advisory supervision of the schools of the State. He collects and publishes annually the statistics pertaining to public education. He attends teachers' institutes, lectures to teachers on methods of teaching, supervises the distribution of school funds, visits each judicial district annually, prepares all questions for county teachers' examinations, approves courses of study and appoints members of the State Board of School Examiners.

The Dairy and Food Commissioner prevents the manufacture and sale of adulterated foods, analyzes and tests milk, liquors, foods, canned goods, etc. He prosecutes all venders of impure foods.

The Board of Public Works has charge of all canals, the collection of tolls and water rents, the appointment of lock tenders and other employees needed on the public works. The board consists of three members.

Appointive Officers.—The chief officers appointed by the Governor are the Commissioner of Railroads and Telegraphs, Superintendent of Insurance, Supervisor of Public Printing, Chief Inspector of Workshops and Factories, Chief Inspector of Mines, two Inspectors of Oils and a State Fire Marshal. In addition to these, there is a number of other officers, members of commissions and trustees of the public institutions, appointed by the Governor. A few officers are appointed by other executive officers.

The Great Seal.—The State has a seal known as “The Great Seal of the State of Ohio.” This is kept by the Governor and used by him officially. It is used on all grants and commissions.

Reports.—The officers of the Executive Department and of the public institutions of the State are required to report to the Governor at least five days preceding each regular session of the General Assembly to which these reports are transmitted.

CHAPTER VI.

THE JUDICIAL DEPARTMENT.

The Courts.—“The judicial power of the State shall be vested in a supreme court, circuit courts, courts of common pleas, courts of probate, justices of the peace and such other courts inferior to the supreme court as the General Assembly may from time to time establish.” So reads Section 1, Article IV, of the Constitution. It is seen, therefore, that certain courts must be established and others may be. To the courts named above the General Assembly has added juvenile courts and municipal courts. It is the business of a court to administer justice, *i. e.*, to see that laws are properly interpreted, that they do not contravene the constitution, that offenders of law are not unjustly treated; to try cases in dispute under law and in equity; and to render decisions in protection to the State and to the individual. A court consists of one or more judges sitting in official capacity for the “trial of causes.”

The Supreme Court consists of six judges, one elected each year by the people of the State for a term of six years. It has original jurisdiction in *quo warranto*, *mandamus*, *habeas corpus* and *procedendo* cases.* All

* By *quo warranto* is meant the issuing of a writ by the court demanding an officer of the State to show by what authority he may be acting in a given case. This is used rarely and only to keep an officer from usurping authority.

other cases which come before the court are appellate; but the law provides that only a certain character of cases can be appealed. The jurisdiction of the Supreme Court extends to the entire State. The court is organized into two divisions of three judges each. A decision of either division has the full force of a decision of the whole court; but, whenever the decision of either division is not unanimous, it is reserved for the full bench. The whole court must sit also in cases involving the constitutionality of an act of the General Assembly or of Congress. The officers of the court are a clerk, law librarian and reporters. The Supreme Court holds its regular sessions at the Capital of the State, beginning the Tuesday after the first Monday of January. It may hold other sessions at other times and at other places. The Supreme Court has charge of the bar examinations. Every one, wishing to become an attorney-at-law, must be twenty-one years of age, a citizen of the United States, a resident for at least a year in the State and must pass an examination on his legal knowledge.

Circuit Courts.—The State is divided into eight dis-

Mandamus is a writ issued by a superior court to an inferior court, officer or corporation authorizing the performance of some specific act on the part of the person or persons to whom the writ is directed.

Habeas corpus is a writ issued by a judge or court to an officer to bring into court a person who may be restrained from liberty in order that it may be determined whether the prisoner can be let out on bail, or at what time his trial can be fixed.

Procedendo is a writ issued by a superior court to an inferior court authorizing the latter to give judgment, but not specifying what that judgment shall be. It is used where decision has been delayed, or no action can be got from the inferior court.

tricts called judicial circuits. In each district, three judges are elected, one every two years for a term of six years. A circuit court has both original and appellate jurisdiction and it tries both civil and criminal cases. It may try action in *quo warranto*, *mandamus*, *habeas corpus* and *procedendo* as original cases within its own jurisdiction. The circuit court meets in the court-room of the various county court-houses within the circuit.

Common Pleas Courts.—The State is divided again into ten districts called common pleas judicial districts. Hamilton County forms one of these districts and elects three common pleas judges. Each of the other districts is divided into three sub-divisions and each sub-division elects one or more common pleas judges for a term of five years. The court convenes three times each year in each county of the district with one judge on the bench. The cases brought before a common pleas court are both civil and criminal. The court has both appellate and original jurisdiction.

Ranking of Courts. The order of rank of the courts stands as follows: supreme court, circuit court, common pleas court, justice of the peace court.* Each court has original jurisdiction in certain cases. Each court may try cases on appeal from a court inferior to it.

The Grand Jury.—If a person is suspected of crime, he is arrested and brought before a justice of the peace who hears the evidence. If the evidence seems to point to the guilt of the person under arrest, he is “bound over” to the grand jury, which is a body of fifteen men chosen by lot. Should twelve of the men agree as to the guilt of the

* For account of justices of the peace, see p. 37.

accused person, they return an "indictment" against him. If there is a disagreement, the charges are indorsed "not a true bill." The accused can not be heard before a grand jury either in person or by witnesses.

The Petit Jury.—When an accused person is indicted he is tried before a judge and a petit jury, which is a body of twelve men chosen by lot. Should all the men of the jury agree as to his guilt, he is convicted of crime and the judge "passes sentence" upon him. In the trial, the accused has the right to testify and to call witnesses in his behalf.

CHAPTER VII.

COUNTIES.

Divisions of the State.—So far we have treated of the State government as it is operated through general officers. But the State is divided into eighty-eight districts varying in size from 177 square miles to 680 square miles and known as counties. The counties are subdivided into smaller districts of about thirty square miles known as townships. Both the county and township are organized under State laws and are governed by local officers.

The Town and County Units.—There are two systems of local government in the United States. In New England, the town is the unit. In the South, the county is the unit. The Ohio system embraces both. Dr. I. W. Andrews says of the Ohio system: “It is neither the town system of the East nor the county system of the South. The county has more power than in New England, the township has less.”

Relation of County to State.—It has been said that the county bears the same relation to the State that the State bears to the United States. This is a misleading statement. The county has no independent form of organization. All the counties conform to one plan of organization fixed by State law. A state may have any

form of organization so long as it does not contravene the constitution and laws of the United States. The United States and the State both have constitutions coming from the people and these instruments are the organic laws of each. The county does not have a constitution; but it is dependent upon State law which is made by the representatives of the people. Again, the officers of the county, while their jurisdiction is confined largely within the county limits, are holding offices created by the State and their duties lie chiefly in the execution of State laws. Prof. W. H. Siebert in writing on the government of Ohio says: "We see that the various local divisions are useful as administrative districts of the State and that their officers serve as the guardians of the State interests in all the different communities of the State."

Local Government.—But, while the county is one of the political and administrative districts of the State, it must be remembered that it serves as a division for local self-government. The officers apply the provisions of State laws for the benefit of their own counties. They take a pride in developing their own communities. Thomas Jefferson said: "These wards, called townships in New England, are the vital principle of their governments and have proved themselves the wisest invention ever devised by the wit of man for the perfect exercise of self-government and for its preservation."

New Counties.—Section 30 of Article II. of the Constitution provides for the creation of new counties. No new county, however, shall contain less than four hundred square miles. No county can be divided, unless it contains a population of one hundred thousand, and then

neither of the divisions shall contain less than twenty thousand. A city or village can not be divided. Before a county can be divided, or a new county created out of the territory of other counties, the matter must be submitted to the voters of the counties concerned, and approved by them.

County Officers.—The county officers are three commissioners, a judge of probate, a clerk, an auditor, a treasurer, a sheriff, a prosecuting attorney, a recorder, a surveyor, a coroner and three infirmary directors. In addition to these officers elected by the people at the November election, the resident common pleas judge, or the probate judge in counties having no resident common pleas judge, appoints a board of six county visitors, and the probate judge appoints a board of county school examiners, consisting of three members. All county officers are elected in the even-numbered years, and all hold office for two years except the probate judge, who holds office for four years.

County Commissioners.—While the officers are all executive officers, the board of county school commissioners exercises some legislative functions. The duties of the officers are fully outlined by law; but the commissioners exercise all duties not devolving by law upon the other officers. They exercise a general supervision over all the business affairs of the county, they maintain county highways, build and care for bridges, erect public buildings, open new roads, levy the county taxes, allow accounts, and act in the organization of new townships.

The Probate Judge presides over the probate court, which is distinctly a county court, as the financial sup-

port of the court comes from the county, and as the jurisdiction of the court is limited to the county. This court appoints guardians, administrators, and executors, and audits their accounts. It probates wills and takes care of the estates of deceased persons. It issues marriage licenses. It settles cases in bankruptcy. It issues commitment papers for the insane and feeble-minded. The probate judge appoints the members of the school examining board, and, in some cases, of the county board of visitors.

The County Clerk, by the Constitution, is made the clerk of all courts of record in the county; but, by law, the probate judge may be made clerk of his own court. As a matter of fact, the law provides for the exercise of this provision of the Constitution, so that the County Clerk becomes the clerk of the court of common pleas and of the circuit court. He keeps the files of all papers in suits pending in these courts, has charge of the records of the courts, and issues subpoenas for witnesses and jurors. He makes an annual report to the Secretary of State of all trials in the county, with their results.

The County Auditor is the bookkeeper of the county. He lists all property for taxation and certifies the levy for each year. He looks after the distribution of funds. He keeps account of all money paid to the county treasurer and paid out by him. He issues warrants for the payment of money. He has charge of the records of the county commissioners.

The County Treasurer is custodian of all money belonging to the county. He collects the taxes and receives, on the order of the auditor, any other funds due

to the county. He pays out money on warrants issued by the auditor. He makes settlement twice each year with the books of the auditor. Once each year there is appointed by the probate judge or by a common pleas judge a special board of worthy citizens to examine the accounts of the treasurer and to count the money on hand. The treasurer is elected for a term of two years; but he cannot hold office for more than two terms within any period of six years. This safeguards the people from any continued fraud of a dishonest official.

The Sheriff has police powers within the county and is charged with preserving the peace. He has charge of the county jail, arrests criminals, serves subpoenas and processes of the courts. He executes the orders of the probate, common pleas and circuit courts. Besides having charge of prisoners at all times within the county, he has charge of jurors and witnesses during trials. He conducts all those committed to the various institutions of the State to their places of confinement. This includes the insane, the incorrigible and the criminal. The sheriff is elected for a two-year term of office and cannot hold office for more than two terms in any period of six years.

The Prosecuting Attorney is the legal counsel and advisor of the county. He appears for the county in all cases in court, to which the county is a party. He advises the grand jury and prosecutes all offenders indicted by them.

The County Recorder is charged with the keeping of the records of all legal papers called deeds used in the transfer of real estate, of mortgages given to secure the

payment of debts, of contracts, of plats and of leases. These records are open to the public. A legal paper pertaining to real estate has no validity in the protection of the rights of a third party, if it has not been placed on record.

The County Surveyor is the officer charged with fixing boundary lines, keeping a record of the land-marks and making all public surveys. He makes estimates on the cost of building roads, bridges and other public improvements. He surveys land sold for taxes. He keeps an accurate and careful record of the variations of the magnetic needle from year to year.

The Coroner looks into the causes of sudden deaths in the county. For this purpose, he holds inquests and may examine witnesses under oath. He holds for trial all persons who may be criminally implicated.

Infirmary Directors.—The three infirmary directors are charged with the care of the county home for the poor known as the infirmary. They receive and discharge inmates, elect officers for the home, let contracts for the purchase of supplies and make rules for the government of the institution. They report annually to the county commissioners.

The County Board of School Examiners consists of three members, one appointed each year by the probate judge for a term of three years. They hold examinations for teachers on the first Saturday of each month. The examination questions are furnished by the State Commissioner of Common Schools. Certificates to teach are granted for one, two, three, five and eight years, the length of the certificate being determined by the qualifi-

cations and amount of experience of the applicant. The standards of required qualifications are fixed by the board of examiners.

The Board of County Visitors consists of six members, two of whom are appointed each year for a term of three years. They visit, each year, all charitable and corrective institutions such as the children's home, the home for the aged, the county infirmary and the jail. They report upon the condition of these institutions and make such recommendations as conditions seem to justify. They publish an annual report which is sent to the clerk of the county and the State board of charities. Thus the official board of the State in charge of the charitable work of the State is kept informed of local as well as State institutions.

CHAPTER VIII.

TOWNSHIPS.

Divisions of the County.—As the State is divided into counties, so the county is divided into smaller districts known as townships. These townships vary somewhat in size, many of them being about six miles square, some about five miles square, while others are irregular in shape and varying in size. The average size of a township in Ohio, as has been stated previously, is a little over thirty square miles.

Officers.—The officers of a township are three trustees, a clerk, a treasurer, a road commissioner, assessors, constables, a board of education and justices of the peace. They are elected at the regular fall election in the odd numbered years.

Trustees.—As in the county the commissioners have some legislative functions, so in the township the trustees exercise legislative powers to a limited extent. But their chief work belongs to the executive side of government. Among their duties may be enumerated the dividing of the township into road districts, the authorizing of new roads and ditches, the repair of bridges and culverts, the caring for the poor and the fixing of the tax rate for township purposes. Trustees are elected for two-year terms.

The Township Clerk keeps a record of the proceedings

of both the township trustees and the board of education. For that purpose, he must attend all meetings of both boards. He signs all orders for money to be drawn from the township treasury. He makes out the annual financial statement of the township. His term of office is two years.

The Township Treasurer is custodian of the funds belonging to the township. He pays out money on the order of the trustees signed by the clerk and on the order of the board of education signed by the clerk. He is elected for two years.

The Road Commissioner, or supervisor of roads as he is more commonly called, opens new roads and supervises the construction and repair of all roads. All electors of a township are required to make a certain contribution toward the maintenance of roads either in money or service. The supervisor uses the money in the employment of labor in repairing the roads, or, if the service is offered, he superintends the work. He is elected for two years.

Assessors.—There are as many assessors elected in each township as there are voting precincts. They are elected biennially. They place the valuation upon personal property and gather statistics regarding agriculture, manufacture and all industries and also regarding births and deaths.

Constables.—The number of constables necessary to a township is determined by the trustees. The constables have police power in the township, preserve the peace, serve all writs issued by the justice of the peace and also serve notices or orders issued by the trustees. They are elected for a term of two years.

The Board of Education consists of five members elected at large in the township. Members of the board are elected at the fall election every two years, two being elected one time and three the next. The term of office is four years. They have the entire management of the public schools in the township, employ a superintendent, teachers and janitors, build school buildings, arrange courses of study, make the levy for money needed to support the schools and carry into effect the provisions of the State laws for the education of the youth within the township.

Justices of the Peace.—When a township is organized, the common pleas judge fixes the number of justices of the peace for it. Should it ever be necessary to change the number, it is done by the probate judge of the county in which the township is located. A justice's court is the lowest in the State. Therefore, no case ever comes into this court on appeal. In civil cases, all claims involving an amount below \$100 must be tried in a justice's court. Cases, involving from \$100 to \$300 can be tried either in a justice's court or the court of common pleas. Suits involving more than \$300 must be tried in the court of common pleas or in the circuit court. The justice's court tries minor offences in criminal matters. It can order the arrest of, hear the complaint against, discharge, punish or bind over for appearance before a higher court, an accused person. In civil cases, the jurisdiction of the court extends over the township; in criminal cases, it extends over the county.

CHAPTER IX.

CITIES.

Municipal Districts.—So far we have traced government down from its national form which we studied in its application to the federal Union, through the State and the county, to the local organization of the township. There are two districts yet to be considered, the city and the village. These districts occupy a place parallel to the township in regard to local affairs. All are parts of the county. The jurisdiction of the officers of a city or village extends only to the corporate limits. Both are carved out of one or more townships. But some of the functions of township government are exercised over the village. Both the city and village are masses of people living very closely together, with common interests and needing common protection. For this reason the law makes provision for the incorporation of these aggregations of people into cities and villages. If the population of one of these communities is 5,000 or more, it is a city. If the population is less than 5,000, it is a village. The law provides different kinds of government for the city and the village; but the laws must be uniform for all cities and for all villages.

The City Council.—It is worth while to note that the three departments of government are carried into the

city. The City Council represents the legislative branch; the Mayor the executive branch; and the Mayor's Court the judicial branch. The legislative branch, or council, varies in size with the size of the place. In cities of 25,000 or less, there are seven members of the council, three elected at large and four by wards. In cities of from 25,000 to 40,000 people, the council consists of nine members, three elected at large and six by wards. In cities of over 40,000 people, there is one councilman added for every 15,000 people in excess of the 40,000. When the total membership of the council exceeds fifteen members, one councilman out of every five is elected at large and the remainder by wards. The number of wards in a city is made to correspond to the number of councilmen elected by wards. Councilmen are elected for two-year terms. The duties of the council involve the making of regulations to preserve the peace and good order of the city, the management and erection of public buildings, the granting of franchises, the levying of taxes for city purposes, the fixing of salaries of city officers, the furnishing of water and light and the doing of all things which will promote the general welfare of the city.

The Mayor.—The executive functions of city government belong to the mayor, who is elected for two years, the president of the council, an auditor, a treasurer and certain boards. The mayor participates in legislation as he is given the veto power. It requires a two-third majority of the council to pass an act over the mayor's veto. He is charged with the duty of enforcing the laws of the State and the ordinances of the council within the city limits.

Other Executive Officers.—The President of the Council presides over the council; but he has no vote. He is elected for two years.

The Auditor keeps the city books and audits all accounts with the officials. He is elected for two years.

The Treasurer receives and disburses the funds. He is elected for two years.

The Solicitor is the attorney for the city. He makes all contracts and advises the officials. He brings suits for the city and defends the city when it is sued. He is elected for two years.

The Board of Public Service, consisting of three or five members, as the city council may designate, is elected by the people for a term of two years. The duties of the board consist in supervising public works, public institutions, parks, public libraries, the improvement of streets, the erection of bridges and the lighting and cleaning of public places. They may employ the help needed for the care of the public buildings and works.

The Board of Public Safety is appointed by the mayor. It may have two or four members, the number being determined by the council. The term of office is four years. Not more than half the members of the board can belong to the same political party. The duties of the board are to organize and regulate the police and fire departments and to govern the telegraph, telephone and fire-alarm systems.

The Board of Health consists of five members and is appointed by the mayor, who also acts as president of the board. It is the duty of this board to make and enforce such rules as may be necessary for the health of

the community and to enforce the laws of the State pertaining to hygienic conditions, the preservation of health and the prevention of disease.

The Board of Education is elected by the people. In cities of less than fifty thousand population, the board consists of from three to seven members elected at large. In cities of fifty thousand or more, there must be not less than two nor more than seven members elected at large and not less than two nor more than thirty elected by districts. The term of office is four years and elections occur biennially. The board has charge of all public schools of the city. They determine the amount of money to be raised by taxation for the support of the schools. They determine text-books and courses of study, elect a superintendent, erect buildings and determine the number of teachers needed. The teachers are appointed by the superintendent of schools subject to confirmation by the board.

The City Judiciary.—The judiciary department of a city is vested in a mayor's court, and, in the larger cities, in a police court also. These courts try cases arising under the city ordinances and have parallel jurisdiction in criminal cases with the justice's court.

CHAPTER X.

VILLAGES.

The Village Charter.—Villages may be incorporated either through action of the county commissioners or through action of the township trustees. A petition for a village charter must contain the names of not less than thirty electors living within the territory which it is proposed to include within the village limits. A village may surrender its charter whenever forty per cent of the village electors, by presentation of a petition to the council, secures an election at which a majority of all the electors in the village voting at the election approve such surrender.

The Village Government.—There are three departments again of village government. The legislative power is vested in a council of six members, whose term of office is two years. The executive power is vested in a mayor, a clerk, a treasurer, a marshal and the trustees of public affairs, all elected for two years. The mayor appoints a street commissioner for one year and a fire chief for two years. The judicial power of the village is vested in the mayor's court which tries cases arising in violation of the village ordinances and has parallel jurisdiction in criminal cases with the justice's court.

The Village Schools.—The territory of every incorporated village, including territory attached to it for school

purposes and excluding territory detached for school purposes, constitutes a village school district. In this district, five members of a board of education are elected, two at one time and three at another, the length of a term of office being four years. This board elects the superintendent and the teachers and has the management of the schools.

Local Officers are State Officers.—The county, the township, the city and the village are all administrative agents of the State and are charged with the enforcement of the State laws within their respective territories. While they are organized primarily for the local welfare, they can operate local government in conformity only to State law and they must enforce that law.

Population.—On page 38, we have seen that an incorporated community containing more than 5000 people constitutes a city and less than 5000 people a village. As the federal census is taken every ten years, there will be a new classification of villages and cities every ten years. A village may advance to the grade of city and a city may fall back to the grade of a village.

CHAPTER XI.

ELECTORS AND ELECTIONS.

Government by the People.—The inquiry arises: How do certain men become officers of government? We say that government in America is government by the people. We do not mean that all the powers of government are exercised by all the people, but that the people choose the officers who shall exercise the powers of government. But even here the statement that all the people choose the officers is liable to be misleading. All the people of the country means all the citizens of the country and we have learned that a citizen is any person born within the United States or naturalized. Now, not all citizens help to choose officers. Those persons who can participate in the choosing of government officials are called electors and the process of choosing is called voting. But these persons are made electors by law because they are supposed to represent in addition to their own interests the interests of other people, as the other people are dependent upon them. So it is that we say that this is a government by the people.

Who may be Electors.—In Ohio, the Constitution says that an elector must be a “white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election and of the country, township or ward, in

which he resides, such time as may be provided by law.” The restriction of this article of the Constitution to white citizens has been removed by the passage of the fifteenth amendment to the federal constitution. In all matters pertaining to schools, women over twenty-one years of age are granted the right of franchise. The right to vote is denied to persons convicted of bribery, perjury or other infamous crime, to idiots and insane persons and to persons in the military, naval or marine service of the United States who may be stationed within the State. Military or naval officers who are stationed temporarily in the State can not be considered properly residents of the State. “The general principle which pervades the Constitution on the subject of elections is that no one shall be allowed to participate in the election of officers whose jurisdiction will not extend over him, or temporarily include the place of his residence.”—*Scott*. Before an elector can vote, he must reside in the State at least a year, in the county thirty days and in the township or ward twenty days.

The Ballot.—All elections must be by ballot. It is necessary, therefore, to have a ballot prepared. This is known as making up the ticket. A ballot contains the titles of all offices to be filled and the names of the persons who may be voted for in connection with the offices named. There are two ways in which a name can be placed upon a ticket. One is by a petition; the other is by a primary election. The placing of a name upon the ticket is called “nominating.” To nominate a person by petition, it is necessary that a certain number of electors shall sign a petition and agree to support the candidate at

the polls. The number of signatures necessary on a petition varies with the size and importance of the district. If the person nominated in the petition is a candidate for a State office, the petition must be filed with the Secretary of State thirty days before the election. If the person nominated is a candidate for any other office, the petition must be filed with the county board of supervisors of elections twenty days before the election.

The Primary.—To nominate by means of a primary election, it is necessary that the electors within a political party shall go to their usual places of voting and determine by ballot the nominees, either by voting directly for candidates who have previously announced their candidacy, or by voting for delegates to a convention who shall choose their nominees. The votes are canvassed by the regular election officers and certified to the county board of elections. This board arranges the names of the persons nominated on the various tickets and prints all tickets on one form known as the Australian ballot, a sample of which is shown in the accompanying diagram.

Duty of Electors to Attend Primaries.—The ballot is now ready for use at the election. The neglect of the right which electors have to participate in a primary, is so prevalent as to form one of the dangers which threatens the American government. It is not enough for the elector to go to the polls and choose between parties; but it is his patriotic duty to attend the primaries and assist in the choice of good men as nominees on the party ticket.

Supervisors of Elections.—The machinery for the conduct of elections is arranged with the greatest care for the prevention of frauds. By law, the Secretary of State

is made the State supervisor and inspector of elections. He appoints in each county four deputy State supervisors of elections, commonly known as the County Board of Supervisors. Two of these supervisors must belong to the party having the largest vote at the last November election and two to the party having the next largest vote. The county board fixes the places of holding elections so that there may be as nearly as possible two hundred voters to one voting district or precinct. The board regulates primaries, supervises registration, prepares the ballots, distributes them together with the tally sheets and poll books and appoints the precinct officers.

Registration.—In cities of fourteen thousand population or more, electors are required to register their names on certain fixed days before the time of the election. This is done to prevent fraudulent voting. If any question is raised regarding the right of any one registered to vote within a certain precinct, there is opportunity between the time of registration and election day to investigate the matter.

Precinct Officers.—The precinct officers consist of four judges, not more than two of whom can belong to the same political party, and two clerks who can not belong to the same political party.

How an Election is held.—On the first Tuesday after the first Monday in November, the polls are opened at 5:30 a. m., and closed at 4 p. m., in the larger cities. In other places the polls remain open till 5:30 p. m. At any time between the opening and the closing of the polls, an elector may go to his voting place and cast his ballot; but no elector is allowed to vote more than once.

When he enters the voting place, he finds one of the judges who has the ballots and to whom he gives his name. The judge writes the name on the top of the ballot above a perforated line. The elector then takes the ballot and goes to a booth, where he proceeds to mark the ballot. If he desires to vote for all the candidates of a political party named on a ticket, he makes a cross within a circle at the top of that column on the ballot containing the names. If he wants to vote for some candidates named on one ticket and some on another, he places a cross before the name of each candidate for whom he wishes to vote. If he wants to vote for some person not named on the ticket, he writes the name of the person for whom he wants to vote in a space below the name of the office to be filled. He then folds his ticket in such a way that only the back of it can be seen and that the paper above the perforated line upon which his name is written can be torn off. Next, he delivers the ballot to a judge having charge of the ballot box. This judge tears off the strip of paper containing the elector's name and deposits the ballot in the box. He opens the strip and reads the name. Two other judges who have lists of the voters check off the name when it is read and the two clerks write the name in their poll books. The strip of paper is deposited then in a separate box. Thus, the greatest secrecy is maintained regarding the way in which an elector has marked his ballot. After the polls are closed, the ballots are counted, the results are recorded, announced and sent to the proper officers. A certificate of election is issued to the successful candidate.

CHAPTER XII.

EDUCATION.

Education Compulsory.—In Article III of the Ordinance of 1787, we find these words: “Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.” Thus, one of the foundation stones of the Northwest Territory, and therefore of Ohio, became education. The State has taken pride always in its public spirit and high regard for its schools. The State, through its Constitution, has guaranteed a public school system, and, through law, the State requires each community to maintain schools and to compel attendance; so that every boy and girl of the State must have at least a rudimentary knowledge of the common branches.

State Commissioner of Common Schools.—The highest school official is the State Commissioner of Common Schools, who is elected by the people. We have learned already of his duties.* Through his reports, he keeps the people informed of the condition of the schools of the State.

School Districts.—There are four kinds of school districts in the State: city, village, township and special. We have studied previously the first three.†

* See page 22.

† See pages 37, 41 and 42.

The Special District is formed from portions of one or more townships, where the property value of the territory especially set apart for school purposes is not less than \$100,000. The Board of Education consists of five members elected at large for terms of four years, two being elected at one time and three at another. All boards of education are required to grade their schools, to furnish enough schools to accommodate all the youth of the district and to continue the schools not less than thirty-two weeks each year.

High Schools.—All youth are entitled to high school education. If a district does not provide a high school, the board of education must pay the tuition of all its youth who desire to attend some high school outside of the district and who have passed the required examination given by the county examiners on questions prepared by the State Commissioner of Common Schools. The law provides for the centralization of schools and the transporting of pupils within the township to the central school.

Superintendents.—Each board of education may employ a superintendent and, in cities, each board is required to do so. In cities, the superintendent appoints teachers subject to the confirmation of the board. In all other districts, the board elects the teachers. Every teacher must have a certificate issued by the proper board of examiners.

Examining Boards.—There are three examining boards in the State, the State Board of School Examiners, the County Board of School Examiners and the City Board of School Examiners. The State Board consists of five mem-

bers appointed by the State Commissioner of Common Schools, one member being appointed each year for a term of five years. The board issues three grades of certificates, each valid through life unless revoked for cause: high school, common school and special. Each city has a board of examiners consisting of three members appointed by the board of education, one member being appointed each year for a term of three years. The City Board of Examiners issues certificates for a limited period of time to teachers within the city. The County Board of Examiners consists of three members appointed by the probate judge, one member being appointed each year for a term of three years. This board issues certificates to all teachers of the county outside of the cities. County certificates are valid for one, two, three, five or eight years. A state certificate is valid in any district within the State.

School Funds.—The funds for the support of the public schools are raised from different sources. That the schools are under the control of the State is shown by the fact that the State raises part of the revenues for the schools. The interest on the irreducible debt of the State and a small amount raised by annual levy upon the taxable property of the State are distributed by the State Auditor to the different districts in proportion to the school enumeration of the districts. Whatever additional money is needed for the support of the schools is raised by local taxation upon the property of each district. Each board of education is required to keep the school money of the district in four funds, the tuition fund, the contingent fund, the sinking fund and the building fund.

Ohio State University.—The State of Ohio maintains a University of high rank known as the Ohio State University. This institution, located at Columbus, has six colleges, about one hundred and fifty instructors and two thousand students.

Other Institutions for Higher Education.—The State aids also Wilberforce University, an institution for the education of colored youth, Miami University of Oxford and Ohio University at Athens. At the two latter institutions, the State maintains normal schools.

CHAPTER XIII.

PUBLIC INSTITUTIONS.

Provision for Unfortunates.—The State makes liberal provision for its unfortunates and delinquents, for those who are diseased in body, mind or morals. It provides for those disabled in war and for those dependent upon them.

Soldiers and Sailors.—For the war veterans, there is the Soldiers' and Sailors' Home at Sandusky. At Madison is the Home of the Ohio Soldiers, Sailors, Marines, their Wives, Mothers and Widows, and Army Nurses. The children of old soldiers are cared for by the Soldiers' and Sailors' Orphans' Home at Xenia.

The Institution for the Blind is located at Columbus. Here blind children are taught to read and write, to sew and to work with their hands. They are taught trades and many of them become self-supporting.

The Institution for the Deaf and Dumb is located at Columbus also. Children are taught the sign language and many of them learn to talk. Comfortable buildings and fine play-grounds are provided for the happiness of these unfortunates.

The Institution for the Feeble-Minded Youth is located at Columbus. Children between the ages of six and fifteen years, who have deformed, weak or undeveloped minds, are admitted to this institution. Sometimes cures

are effected or a process of development is begun which will enable the beneficiary of the institution to support himself. Others become a constant burden to the State.

The Hospital for Epileptics is located at Gallipolis. Great care is taken of the inmates of this institution. Efforts are made to cure the disease and scientific research regarding the peculiar character of the malady is carried on constantly.

The Insane.—There are six hospitals for the care of the insane. These are located at Cleveland, Columbus, Massillon, Toledo, Dayton and Athens. The State gives aid also to the maintenance of Longview Hospital in Hamilton County. The insane are cared for by the State for their own sakes and for the safety of others. They are treated kindly and are kept as comfortable as possible. Every effort is made to restore the reason. Medical science is employed and the greatest skill used in dealing with this unfortunate class.

Local Institutions.—Admission to all the institutions named above is obtained by proceedings in the probate court. In addition to these institutions for the unfortunates, every county maintains an infirmary for the care of the poor and sometimes the insane, and most counties maintain a children's home for destitute children.

Boys' Industrial School.—For the care of the criminal classes, the State maintains four institutions. The Boys' Industrial School is located at Lancaster. To this institution are sent boys between the ages of ten and sixteen years who have broken the law. They spend one-half of each day in school and the other half on the farm or in shops learning a trade. The object of the institu-

tion is to reform the youthful criminals and to give them knowledge and a mastery of a trade which will make them useful citizens.

The Girls' Industrial Home is located at Delaware. Here are sent girls between the ages of nine and sixteen years who have been guilty of crime. The same efforts are made to reform the girls as are made to reform the boys. They are given an education and are taught to sew and to work.

The State Reformatory is located at Mansfield. To this institution are sent the criminals who have been convicted of a first offense, except those who are young enough to be sent to an industrial school and those who are sentenced for life. These criminals are taught trades. They are surrounded by those conditions which it is thought will arouse manhood and establish character. When it seems that a reform has been effected in a life, the reformed person is paroled. An effort is made by the authorities to get the reformed man into some occupation. A strict surveillance is kept over his conduct. If he shows any signs of moral weakness, he is recommitted to the Reformatory.

The Ohio Penitentiary is located at Columbus. To this institution are sent all criminals not admitted to the other institutions. Work is provided for the inmates and they share in the profits of their labor.

Local Prisons.—In addition to these four institutions for the incarceration of criminals, each county has a county jail, and cities and villages maintain places of confinement for persons guilty of minor offenses.

CHAPTER XIV.

PUBLIC DEBT.

Limitation of Indebtedness.—By the provisions of Article VIII of the Constitution, “the State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for.” But the aggregate amount of all such debts shall not exceed \$750,000, unless incurred in repelling invasion, suppressing insurrection or defending the State in war. The credit of the State cannot be given or loaned to any individual, association or corporation. The State cannot become a joint partner or stockholder in any company. Thus all officers of the State are forbidden to use the money of the State for speculative purposes, even for the benefit of the State. The State is forbidden by the Constitution from assuming any of the debts of a county, town, city, township or any corporation, unless such debt has been incurred by war in defense of the State.

Sinking Fund.—For the payment of State debts, there has been established a sinking fund which has been placed in care of “The Commissioners of the Sinking Fund,” who are the Auditor, Secretary of State and Attorney-General. At the present time (1906) the State has no outstanding obligations.

CHAPTER XV.

PUBLIC WORKS.

Board of Public Works.—The Constitution provides that the public works of the State, so long as there are any, shall be under the charge of a Board of Public Works consisting of three members and elected by the people.

Canals.—The public works of the State are the canals. At the time of the adoption of the present Constitution, the canals occupied a more important place in the development of the State than they do now. At the present time, very little transportation is effected by the canals. They are being abandoned very rapidly. But there are some manufacturers who make use of the water of the canals for power and there are communities using the canal beds for drainage. The Board of Public Works manages all affairs connected with the canals, fixing the tolls for boats, collecting the water rents, protecting the property, employing the superintendents and lock-tenders and making needful rules for the regulation of the traffic along the canals.

CHAPTER XVI.

MILITIA.

Citizens Required to Serve in the Militia.—The Constitution provides for the organization of the militia. The male citizens of the State between the ages of eighteen and forty-five years, except those exempted by law, constitute the militia. Not many citizens ever engage in actual service; but all are liable for service. Whenever the regularly constituted authorities are unable to repel invasion, put down insurrection or enforce the laws, an appeal is made to the militia.

Organization.—The militia consists of the Ohio National Guard and the Ohio Naval Militia together with the unorganized reserve. Enlistments in the national guard and in the naval militia are made for the period of three years. The State provides armories for the drill of the guards and for the care of the arms and military property. Soldiers who enlist in the militia are required to assemble for drill once a week and to go into camp for a period of from eight to fourteen days each year. Should the organized militia not be adequate for an emergency, volunteers may be called for. If sufficient military strength is not secured in this way, then the unorganized militia may be drafted into service.

CHAPTER XVII.

TAXATION.

Taxation Necessary.—For the maintenance of the institutions of the State and for carrying on all departments of government, vast sums of money are expended each year. Much more money is used in sustaining local government than is used by the government of the State at large. In order that the State may have the funds necessary to the support of the government, it must have the power of making assessments in some way upon its citizens or upon those who benefit from the establishment of its government. This power, known as taxation, has been placed by the Constitution in the hands of the General Assembly. A poll tax by the State is prohibited.

Taxation Power with the People.—While no limit is placed upon the levy which may be made by the State, the limiting power remains with the people, as they select the members of the General Assembly. Not infrequently, the people make use of this limiting power by making the expenses of government an issue during a campaign preceding the election of officers.

Local Taxes.—By law, the General Assembly delegates to certain officers of local governments within the State the power to levy taxes to raise money for the support of local government; but the amount of the levy is limited.

In all cases, the money raised by levy must be used for the purposes for which the levy is made.

Methods of Taxation.—The State makes use of two general methods of taxation known as direct and indirect. Direct taxation is the levy made upon the property of the State. By this method, every citizen contributes to the support of the government in proportion to the valuation of his property. Indirect taxation is a levy made upon corporations doing business within the State, upon the manufacture and sale of liquors and tobaccos, upon property obtained by inheritance and upon public franchises. By this method, every citizen contributes to the support of the State in proportion to the amount of business he does with the concern upon which the tax falls.

Property Tax.—For the purpose of a property tax, all property of the State is listed by the county auditors either as real estate or as personal property. Real estate includes all lands and buildings. Personal property includes all other possessions. Every ten years, there are elected boards of appraisers of real estate known as “decennial appraisers of real property,” who fix the valuation of all real estate within the ward or township from which they are elected. They make their returns to the county auditor. Every two years, in each ward or township there is elected an assessor who places the valuation upon the personal property within his ward or township. He also makes his return to the county auditor. In this way, the total valuations within a given district are obtained.

Methods of Collecting Taxes.—The officers, who have the power to levy taxes within a district, knowing the valuation of property and the amount needed for govern-

mental expenses, determine the rate of taxation and certify it to the county auditor, who adds together all rates certified within the district by different officers and makes a general levy upon the property for the total amount needed. The auditor authorizes the treasurer of the county to collect from all property holders a certain percentage of the property valuation. When the collections are made, the auditor of the county certifies the amounts to be distributed to the treasurers of the different districts.

State Funds Raised by Indirect Taxation.—Nearly all money needed for local government is collected by direct taxation upon the property. But the money needed for the support of the general State government is largely collected by means of indirect taxation. The State officers make no levy upon the property of the State for money needed by the State except for the purposes of education. It is hoped that the method of indirect taxation will supply soon all money needed for the general purposes of the State.

CHAPTER XVIII.

CORPORATIONS.

General Provisions Regarding Corporations.—Article XIII of the Constitution relates to the organization, powers, duties and limitations of corporations. A corporation is an association of not less than five persons to whom is given a charter to carry on business as an individual. A corporation has recognition in court. It can sue and be sued. The members of a corporation are the stockholders. The business is carried on by a board of directors. While most corporations are organized for profit, some corporations, such as churches, fraternities, colleges and clubs are organized “not for profit.” The Constitution prohibits the passage of any special act conferring corporate powers. Corporations must be formed under general laws; but such laws may be changed from time to time. The stockholders’ liability extends only to the amount of his subscription for stock. The property of a corporation is taxed just as the property of an individual.

Railroads and Insurance.—Two of the greatest corporate interests of the State, viz., railroads and insurance, are placed under the supervision of special officers. The officers, to whom is entrusted the supervision of these corporations, are known as commissioners and are appointed by the Governor.

Commissioner of Railroads.—In order that the lives and the property of individuals may be safe-guarded, it is the business of the Commissioner of Railroads, who is appointed for two years, to see that the laws regulating the traffic of railroads are enforced. He must see that the tracks and bridges are in a safe condition, that proper safety devices and flagmen are provided for crossings, that cars are equipped in accordance with law and that proper inspection is made.

Commissioner of Insurance.—For the enforcement of laws pertaining to insurance, a Commissioner of Insurance is appointed for three years. He receives reports from insurance companies, investigates their conditions and methods of doing business, examines their assets and liabilities, ascertains whether investments are made according to law and enforces all insurance legislation.

CHAPTER XIX.

MISCELLANEOUS.

The Capital of the State.—Under Article XV of the Constitution, various matters are treated. By Section 1, Columbus is fixed as the seat of government until a change may be made by law. It is not likely that a change will ever be made. Columbus is near the center of the State and is reached by a great number of railroads radiating in all directions. More than that, the State has made great investments in a permanent plant for governmental purposes at Columbus.

Public Printing.—All public printing is required to be let to the lowest responsible bidder. Whatever else may be published, “an accurate and detailed statement of the receipts and expenditures of the public money” must be published.

Who May Hold Office.—No person can be elected or appointed to office who does not possess the qualifications of an elector. Every office-holder is required to take an oath that he will support the Constitution of the United States, of the State of Ohio and that he will faithfully discharge the duties of his office.

Amendments.—The Constitution may be altered by

amendment. Proposed alterations are submitted to the people for their approval at the polls.

Our Government a Democracy.—We have seen by a study of the federal government, of the State government and of the local governments as a part of the State government that every citizen is under law, that his rights are preserved by law and that he participates in the making of law. This is truly a self-governing nation. Every individual helps in delegating to the officers of government the power to repel within his own nature the tendencies he may have to interfere with the rights of others and the power to repel within others the tendencies they may have to interfere with his rights. He helps in the establishment of a government which shall promote the general welfare. He assists in the defense of his country. Such a government not only confers blessings upon its citizens, but it requires also duties. A responsibility rests upon each individual to become informed regarding the operations of government, to be intelligent regarding the great movements of society and civilization, to be quick and just in reading the characters of men who are seeking public office, to be faithful to a participation in all the machinery which brings men into nomination and to be conscientious in the exercise of the right of franchise.

Relation of the Government and Citizens.—There is a reciprocal relation between the government and the citizen. Each expects something from the other. The strength of the nation grows in proportion to the fulfillment of these expectations. Officers of the government must discharge their obligations not for individual profit but for the benefit of the citizenship of the country. The

citizen must discharge his duty not from a selfish motive but for the strengthening of the government. From this mutual recognition of the high obligations of each will flow a patriotism, a justice, a power that will guarantee a perpetual life to our republican government.

APPENDIX A.

CONSTITUTION OF THE STATE OF OHIO.

We, the people of the State of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this Constitution.

ARTICLE I.

BILL OF RIGHTS.

SECTION 1. All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.

SEC. 2. All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary ; and no special privileges or immunities shall ever be granted, that may not be altered, revoked, or repealed by the general assembly.

SEC. 3. The people have the right to assemble together, in a peaceable manner, to consult for their common good ; to instruct their representatives ; and to petition the general assembly for the redress of grievances.

SEC. 4. The people have the right to bear arms for their defense and security ; but standing armies, in time of peace, are dangerous to liberty, and shall not be kept up ; and the military shall be in strict subordination to the civil power.

SEC. 5. The right of trial by jury shall be inviolate.

SEC. 6. There shall be no slavery in this state ; nor involuntary servitude, unless for the punishment of crime.

SEC. 7. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent ; and no preference shall be given, by law, to any religious society ; nor shall any interference with the rights of conscience be permitted. No religious test shall be required, as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief ; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the general assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

SEC. 8. The privilege of the writ of *habeas corpus* shall not be suspended, unless, in cases of rebellion or invasion the public safety require it.

SEC. 9. All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident, or the presumption great. Excessive bail shall not be required ; nor excessive fines imposed ; nor cruel and unusual punishments inflicted.

SEC. 10. Except in cases of impeachment, and cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, and in cases of petit larceny and other inferior offenses, no person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a grand jury. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel ; to demand the nature and cause of the accusation against him, and to have a copy thereof ; to meet the witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district, in which the offense is alleged to have been committed ; nor shall any person be compelled, in any criminal case, to be a witness against himself, or be twice put in jeopardy for the same offense.

SEC. 11. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right ; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions for libel, the truth may be

given in evidence to the jury, and if it shall appear to the jury, that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted.

SEC. 12. No person shall be transported out of the state, for any offense committed within the same ; and no conviction shall work corruption of blood, or forfeiture of estate.

SEC. 13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner ; nor, in time of war, except in the manner prescribed by law.

SEC. 14. The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures shall not be violated ; and no warrant shall issue, but upon probable cause supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized.

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.

SEC. 16. All courts shall be open, and every person for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law ; and justice administered without denial or delay.

SEC. 17. No hereditary emoluments, honors, or privileges, shall ever be granted or conferred by this state.

SEC. 18. No power of suspending laws shall ever be exercised, except by the general assembly.

SEC. 19. Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war or other public exigency imperatively requiring its immediate seizure, or for the purpose of making or repairing roads, which shall be open to the public, without charge, a compensation shall be made to the owner, in money ; and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money ; and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner.

SEC. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people ; and all powers, not herein delegated, remain with the people.

ARTICLE II.

LEGISLATIVE.

SECTION 1. The legislative power of this state shall be vested in a general assembly, which shall consist of a senate, and house of representatives.

SEC. 2. Senators and representatives shall be elected biennially by the electors of the respective counties or districts, on the first Tuesday after the first Monday in November; their term of office shall commence on the first day of January next thereafter, and continue two years. [*As amended October 13, 1885 ; 82 v. 446.*]

SEC. 3. Senators and representatives shall have resided in their respective counties, or districts, one year next preceding their election, unless they shall have been absent on the public business of the United States, or of this state.

SEC. 4. No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to or have a seat in, the general assembly; but this provision shall not extend to township officers, justices of the peace, notaries public, or officers of the militia.

SEC. 5. No person hereafter convicted of an embezzlement of the public funds, shall hold any office in this state; nor shall any person, holding public money for disbursement, or otherwise, have a seat in the general assembly, until he shall have accounted for, and paid such money into the treasury.

SEC. 6. Each house shall be judge of the election, returns, and qualifications of its own members; a majority of all the members elected to each house shall be a quorum to do business; but a less number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties, as shall be prescribed by law.

SEC. 7. The mode of organizing the house of representatives, at the commencement of each regular session, shall be prescribed by law.

SEC. 8. Each house, except as otherwise provided in this constitution, shall choose its own officers, may determine its own rules of proceeding, punish its members for disorderly conduct; and, with the concurrence of two-thirds, expel a member, but not the second time

for the same cause; and shall have all other powers, necessary to provide for its safety, and the undisturbed transaction of its business.

SEC. 9. Each house shall keep a correct journal of its proceedings, which shall be published. At the desire of any two members, the yeas and nays shall be entered upon the journal; and, on the passage of every bill, in either house, the vote shall be taken by yeas and nays, and entered upon the journal; and no law shall be passed in either house without the concurrence of a majority of all the members elected thereto.

SEC. 10. Any member of either house shall have the right to protest against any act or resolution thereof, and such protest, and the reasons therefor, shall, without alteration, commitment or delay, be entered upon the journal.

SEC. 11. All vacancies which may happen in either house shall, for the unexpired term, be filled by election, as shall be directed by law.

SEC. 12. Senators and representatives, during the session of the general assembly, and in going to, and returning from the same, shall be privileged from arrest, in all cases, except treason, felony, or breach of the peace; and for any speech, or debate, in either house, they shall not be questioned elsewhere.

SEC. 13. The proceedings of both houses shall be public, except in cases which, in the opinion of two-thirds of those present, require secrecy.

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than two days, Sundays excluded; nor to any other place than that, in which the two houses shall be in session.

SEC. 15. Bills may originate in either house; but may be altered, amended, or rejected in the other.

SEC. 16. Every bill shall be fully and distinctly read three different days unless in case of urgency three-fourths of the house in which it shall be pending, shall dispense with the rule. No bill shall contain more than one subject, which shall be clearly expressed in its title, and no law shall be revived, or amended, unless the new act contain the entire act revived, or the section or sections amended, and the section or sections so amended shall be repealed.

Every bill passed by both houses of the General Assembly shall, before said bill can become law, be presented to the governor. If he approves he shall sign said bill and thereupon said bill shall be law.

If he object he shall not sign and shall return said bill, together with his objection thereto in writing, to the house wherein said bill originated, which house shall enter at large upon its journal said objection and shall proceed to reconsider said bill. If, after said reconsideration, at least two-thirds of the members-elect of that house vote to repass said bill it shall be sent, together with said objection, to the other house, which shall enter at large upon its journal said objection and shall proceed to reconsider said bill. If, after said reconsideration, at least two-thirds of the members-elect of that house vote to pass said bill it shall be law, otherwise it shall not be law. The votes for the repassage of said bill shall in each house respectively be no less than those given on the original passage. If any bill passed by both houses of the General Assembly and presented to the governor is not signed and is not returned to the house wherein it originated and within ten days after being so presented, exclusive of Sunday and the day said bill was presented, said bill shall be law as in like manner as if signed, unless final adjournment of the General Assembly prevents such return, in which case shall be law, unless objected to by the Governor and filed, together with his objection thereto in writing, by him in the office of the Secretary of State within the prescribed ten days; and the Secretary of State shall at once make public said fact and shall return said bill, together with said objection, upon the opening of the next following session of the General Assembly, to the house wherein said bill originated, where it shall be treated in like manner as if returned within the prescribed ten days.

If any bill passed by both houses of the General Assembly and presented to the Governor contains two or more sections, or two or more items of appropriation of money, he may object to one or more of said sections or to one or more of said items of appropriation of money, and approve the other portion of said bill, in which case said approved portion may be signed and then shall be law; and such section or sections, item or items of appropriation of money objected to shall be returned within the time and in the manner prescribed for, and shall be separately reconsidered as in the case of a whole bill; but if final adjournment of the General Assembly prevents such return the Governor shall file said section or sections, item or items of appropriation of money, together with his objection thereto in writing, with the Secretary of State as in the case of a whole bill, and the Secretary of State shall then make public said fact, but shall not further act as in the case of a whole bill.

SEC. 17. The presiding officer of each house shall sign, publicly, in the presence of the house over which he presides, while the same is in session, and capable of transacting business, all bills and joint resolutions passed by the general assembly.

SEC. 18. The style of the laws of this state shall be, "*Be it enacted by the General Assembly of the State of Ohio.*"

SEC. 19. No senator or representative shall, during the term for which he shall have been elected, or for one year thereafter, be appointed to any civil office under this state, which shall be created, or the emoluments of which shall have been increased, during the term for which he shall have been elected.

SEC. 20. The general assembly, in cases not provided for in this constitution, shall fix the term of office and the compensation of all officers ; but no change therein shall affect the salary of any officer during his existing term, unless the office be abolished.

SEC. 21. The general assembly shall determine, by law, before what authority, and in what manner, the trial of contested elections shall be conducted.

SEC. 22. No money shall be drawn from the treasury, except in pursuance of a specific appropriation, made by law ; and no appropriation shall be made for a longer period than two years.

SEC. 23. The house of representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be tried by the senate; and the senators, when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators.

SEC. 24. The governor, judges, and all state officers may be impeached for any misdemeanor in office; but judgment shall not extend further than removal from office, and disqualification to hold any office, under the authority of this state. The party impeached, whether convicted or not, shall be liable to indictment, trial, and judgment according to law.

SEC. 25. All regular sessions of the general assembly shall commence on the first Monday of January, biennially. The first session, under this constitution, shall commence on the first Monday of January, one thousand, eight hundred and fifty-two. (*See Const. 1802, Art. 1, § 25.*)

SEC. 26. All laws of a general nature, shall have uniform operation throughout the state ; nor, shall any act, except such as relates to public schools, be passed, to take effect upon the approval of any other authority than the general assembly, except as otherwise provided in this constitution.

SEC. 27. The election and appointment of all officers, and the filling of all vacancies; not otherwise provided for by this constitution, or the constitution of the United States, shall be made in such manner as may be directed by law ; but no appointing power shall be exercised by the general assembly, except as prescribed in this constitution, and in the election of United States senators; and in these cases the vote shall be taken "*viva voce*."

SEC. 28. The general assembly shall have no power to pass retroactive laws, or laws impairing the obligation of contracts; but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties, and officers, by curing omissions, defects, and errors, in instruments and proceedings, arising out of their want of conformity with the laws of this state.

SEC. 29. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor shall any money be paid, on any claim, the subject-matter of which shall not have been provided for by pre-existing law, unless such compensation, or claim, be allowed by two-thirds of the members elected to each branch of the general assembly.

SEC. 30. No new county shall contain less than four hundred square miles of territory, nor shall any county be reduced below that amount; and all laws creating new counties, changing county lines, or removing county seats, shall, before taking effect, be submitted to the electors of the several counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of all the electors voting at such election, in each of said counties; but any county now or hereafter containing one hundred thousand inhabitants, may be divided, whenever a majority of the voters residing in each of the proposed divisions shall approve of the law passed for that purpose ; but no town or city within the same shall be divided, nor shall either of the divisions contain less than twenty thousand inhabitants.

SEC. 31. The members and officers of the general assembly shall

receive a fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise ; and no change in their compensation shall take effect during their term of office.

SEC. 32. The general assembly shall grant no divorce, nor exercise any judicial power not herein expressly conferred.

ARTICLE III.

EXECUTIVE.

SECTION 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, and an attorney-general, who shall be elected on the first Tuesday after the first Monday in November, by the electors of the state, and at the places of voting for members of the general assembly. [*As amended October 13, 1885 ; 82 v. 446.*]

SEC. 2. The governor, lieutenant-governor, secretary of state, treasurer, and attorney-general shall hold their offices for two years; and the auditor for four years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

SEC. 3. The returns of every election for the officers named in the foregoing section shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the president of the senate, who, during the first week of the session, shall open and publish them, and declare the result, in the presence of the majority of the members of each house of the general assembly. The person having the highest number of votes shall be declared duly elected; but if any two or more shall be highest, and equal in votes, for the same office, one of them shall be chosen by the joint vote of both houses.

SEC. 4. Should there be no session of the general assembly in January next after an election for any of the officers aforesaid, the returns of such election shall be made to the secretary of state, and opened, and the result declared by the governor in such manner as may be provided by law.

SEC. 5. The supreme executive power of this state shall be vested in the governor.

SEC. 6. He may require information, in writing, from the officers

in the executive department, upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

SEC. 7. He shall communicate at every session, by message, to the general assembly, the condition of the state, and recommend such measures as he shall deem expedient.

SEC. 8. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they have been convened.

SEC. 9. In case of a disagreement between the two houses, in respect to the time of adjournment, he shall have power to adjourn the general assembly to such time as he may think proper, but not beyond the regular meetings thereof.

SEC. 10. He shall be commander-in-chief of the military and naval forces of the state, except when they shall be called into the service of the United States.

SEC. 11. He shall have power, after conviction, to grant reprieves, commutations, and pardons, for all crimes and offences, except treason and cases of impeachment, upon such conditions as he may think proper ; subject, however, to such regulations, as to the manner of applying for pardons, as may be prescribed by law. Upon conviction for treason, he may suspend the execution of the sentence, and report the case to the general assembly, at its next meeting, when the general assembly shall either pardon, commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the general assembly, at every regular session, each case of reprieve, commutation, or pardon granted, stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve, with his reasons therefor.

SEC. 12. There shall be a seal of the state, which shall be kept by the governor, and used by him officially ; and shall be called "The Great Seal of the State of Ohio."

SEC. 13. All grants and commissions shall be issued in the name and by the authority, of the state of Ohio ; sealed with the great seal ; signed by the governor, and countersigned by the secretary of state.

SEC. 14. No member of congress, or other person holding office under the authority of this state, or of the United States, shall execute the office of governor, except as herein provided.

SEC. 15. In case of the death, impeachment, resignation, removal, or other disability of the governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant-governor.

SEC. 16. The lieutenant-governor shall be president of the senate, but shall vote only when the senate is equally divided ; and in case of his absence, or impeachment, or when he shall exercise the office of governor, the senate shall choose a president *pro tempore*.

SEC. 17. If the lieutenant-governor, while executing the office of governor, shall be impeached, displaced, resign or die, or otherwise become incapable of performing the duties of the office, the president of the senate shall act as governor, until the vacancy is filled, or the disability removed ; and if the president of the senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of governor the same shall devolve upon the speaker of the house of representatives.

SEC. 18. Should the office of auditor, treasurer, secretary, or attorney-general, become vacant, for any of the causes specified in the fifteenth section of this article, the governor shall fill the vacancy until the disability is removed, or a successor elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after it shall have happened ; and the person chosen shall hold the office for the full term fixed in the second section of this article.

SEC. 19. The officers mentioned in this article shall at stated times, receive for their services, a compensation to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

SEC. 20. The officers of the executive department, and of the public state institutions shall, at least five days preceding each regular session of the general assembly, severally report to the governor, who shall transmit such reports, with his message, to the general assembly.

ARTICLE IV.

JUDICIAL.

SECTION 1. The judicial power of the state is vested in a supreme court, circuit courts, courts of common pleas, courts of probate,

justices of the peace, and such other courts inferior to the supreme court, as the general assembly may, from time to time establish. (*As amended October 9, 1883; 80 v. 382.*)

SEC. 2. The supreme court shall, until otherwise *provide* [provided] by law, consist of five judges, a majority of whom competent to sit shall be necessary to form a quorum or to pronounce a decision, except as hereinafter provided. It shall have original jurisdiction in *quo warranto*, *mandamus*, *habeas corpus* and *procedendo*, and such appellate jurisdiction as may be provided by law. It shall hold at least one term in each year at the seat of government, and such other terms, there or elsewhere, as may be provided by law. The judges of the supreme court shall be elected by the electors of the state at large, for such term, not less than five years, as the general assembly may prescribe, and they shall be elected and their official term shall begin at such time as may be fixed by law. In case the general assembly shall increase the number of such judges, the first term of each of such additional judges shall be such, that in each year after their first election, an equal number of judges of the supreme court shall be elected, except in elections to fill vacancies; and whenever the number of such judges shall be increased, the general assembly may authorize such court to organize divisions thereof, not exceeding three, each division to consist of an equal number of judges; for the adjudication of cases, a majority of each division shall constitute a quorum, and such an assignment of the cases to each division may be made as such court may deem expedient, but whenever all the judges of either division hearing a case shall not concur as to the judgment to be rendered therein, or whenever a case shall involve the constitutionality of an act of the general assembly or of an act of congress, it shall be reserved to the whole court for adjudication. The judges of the supreme court in office when this amendment takes effect, shall continue to hold their offices until their successors are elected and qualified. [*As amended October 9, 1883; 80 v. 382.*]

SEC. 3. The state shall be divided into nine common pleas districts, of which the county of Hamilton shall constitute one, of compact territory, and bounded by county lines; and each of said districts, consisting of three or more counties, shall be subdivided into three parts, of compact territory, bounded by county lines, and as nearly equal in population as practicable; in each of which, one judge of the court of common pleas for said district, and residing therein, shall

be elected by the electors of said subdivision. Courts of common pleas shall be held, by one or more of these judges, in every county in the district, as often as may be provided by law; and more than one court, or sitting thereof, may be held at the same time in each district.

SEC. 4. The jurisdiction of the courts of common pleas, and of the judges thereof shall be fixed by law.

SEC. 5. [*Repealed Oct. 9, 1883; 80 v. 382.*]

SEC. 6. The circuit court shall have like original jurisdiction with the supreme court, and such appellate jurisdiction as may be provided by law. Such courts shall be composed of such number of judges as may be provided by law, and shall be held in each county, at least once in each year. The number of circuits and the boundaries thereof, shall be prescribed by law. Such judges shall be elected in each circuit by the electors thereof, and at such time and for such term as may be prescribed by law, and the same number shall be elected in each circuit. Each judge shall be competent to exercise his judicial powers in any circuit. The general assembly may change, from time to time, the number of boundaries of the circuits. The circuit courts shall be the successors of the district courts, and all cases, judgments, records, and proceedings pending in said district courts, in the several counties of any district, shall be transferred to the circuit courts in the several counties, and be proceeded in as though said district courts had not been abolished, and the district courts shall continue in existence until the election and qualification of the judges of the circuit courts. [*As amended October 9, 1883; 80 v. 382.*]

SEC. 7. There shall be established in each county, a probate court, which shall be a court of record, open at all times, and holden by one judge, elected by the voters of the county, who shall hold his office for the term of three years and shall receive such compensation, payable out of the county treasury, or by fees, or both, as shall be provided by law.

SEC. 8. The probate court shall have jurisdiction in probate and testamentary matters, the appointment of administrators and guardians, the settlement of the accounts of executors, administrators and guardians, and such jurisdiction in *habeas corpus*, the issuing of marriage licenses, and for the sale of land by executors, administrators, and guardians, and such other jurisdiction, in any county, or counties, as may be provided by law.

SEC. 9. A competent number of justices of the peace shall be elected, by the electors, in each township in the several counties. Their term of office shall be three years, and their powers and duties shall be regulated by law.

SEC. 10. All judges, other than those provided for in this constitution, shall be elected by the electors of the judicial district for which they may be created, but not for a longer term of office than five years.

SEC. 11. [*Repealed October 9, 1883 ; 80 v. 382.*]

SEC. 12. The judges of the courts of common pleas shall, while in office, reside in the district for which they are elected ; and their term of office shall be for five years.

SEC. 13. In case the office of any judge shall become vacant, before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor is elected and qualified ; and such successor shall be elected for the unexpired term, at the first annual election that occurs more than thirty days after the vacancy shall have happened.

SEC. 14. The judges of the supreme court, and of the court of common pleas, shall, at stated times, receive, for their services, such compensation as may be provided by law, which shall not be diminished, or increased, during their term of office ; but they shall receive no fees or perquisites, nor hold any other office of profit or trust, under the authority of this state, or the United States. All votes for either of them, for any elective office, except a judicial office, under the authority of this state, given by the general assembly or the people, shall be void.

SEC. 15. The general assembly may increase, or diminish, the number of the judges of the supreme court, the number of the districts of the court of common pleas, the number of judges in any district, change the districts, or the subdivisions thereof, or establish other courts, whenever two-thirds of the members elected to each house shall concur therein ; but no such change, addition or diminution, shall vacate the office of any judge.

SEC. 16. There shall be elected in each county, by the electors thereof, one clerk of the court of common pleas, who shall hold his office for the term of three years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of all other courts of record held therein ; but, the general assembly may provide,

by law, for the election of a clerk, with a like term of office, for each or any other of the courts of record, and may authorize the judge of the probate court to perform the duties of clerk for his court under such regulations as may be directed by law. Clerks of courts shall be removable for such cause and in such manner as shall be prescribed by law.

SEC. 17. Judges may be removed from office, by concurrent resolution of both houses of the general assembly, if two-thirds of the members, elected to each house, concur therein; but no such removal shall be made, except upon complaint, the substance of which shall be entered on the journal, nor, until the party charged shall have had notice thereof, and an opportunity to be heard.

SEC. 18. The several judges of the supreme court, of the common pleas, and of such other courts as may be created, shall, respectively, have and exercise such power and jurisdiction, at chambers, or otherwise, as may be directed by law.

SEC. 19. The general assembly may establish courts of conciliation, and prescribe their powers and duties; but such courts shall not render final judgment in any case, except upon submission, by the parties of the matter in dispute, and their agreement to abide such judgment.

SEC. 20. The style of all process shall be "The State of Ohio;" all prosecution shall be carried on, in the name, and by the authority, of the State of Ohio; and all indictments shall conclude, "against the peace and dignity of the State of Ohio."

SEC. 21. A commission which shall consist of five members, shall be appointed by the governor, with the advice and consent of the senate, the members of which shall hold office for the term of three years from and after the first day of February, 1876, to dispose of such part of the business then on the dockets of the supreme court as shall, by arrangement between said commission and said court, be transferred to such commission; and said commission shall have like jurisdiction and power in respect to such business as are or may be vested in said court; and the members of said commission shall receive a like compensation for the time being with the judges of said court. A majority of the members of said commission shall be necessary to form a quorum or pronounce a decision, and its decision shall be certified, entered, and enforced as the judgments of the supreme court, and at the expiration of the term of said commission all business undisposed of shall by it be certified to the supreme court, and disposed of as if said commission

had never existed. The clerk and reporter of said court shall be the clerk and reporter of said commission and the commission shall have such other attendants, not exceeding in number those provided by law for said court, which attendants said commission may appoint and remove at its pleasure. Any vacancy occurring in said commission, shall be filled by appointment of the governor, with the advice and consent of the senate, if the senate be in session ; and if the senate be not in session, by the governor, but in such last case, such appointment shall expire at the end of the next session of the general assembly. The general assembly may, on application of the supreme court, duly entered on the journal of the court and certified, provide by law, whenever two-thirds of such [each] house shall concur therein, from time to time, for the appointment, in like manner, of a like commission with like powers, jurisdiction, and duties; provided, that the term of any such commission shall not exceed two years, nor shall it be created oftener than once in ten years.

ARTICLE V.

ELECTIVE FRANCHISE.

SECTION 1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state one year next preceding the election, and of the county, township, or ward, in which he resides, such time as may be provided by law, shall have the qualifications of an elector, and be entitled to vote at all elections.

SEC. 2. All elections shall be by ballot.

SEC. 3. Electors, during their attendance at elections, and in going to, and returning therefrom, shall be privileged from arrest in all cases, except treason, felony, and breach of the peace.

SEC. 4. The general assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of bribery, perjury, or other infamous crime.

SEC. 5. No person in the military, naval, or marine service of the United States, shall, by being stationed in any garrison, or military, or naval station, within the state, be considered a resident of this state.

SEC. 6. No idiot, or insane person, shall be entitled to the privileges of an elector.

ARTICLE VI.

EDUCATION.

SECTION 1. The principal of all funds arising from the sale, or other disposition of lands, or other property, granted or entrusted to this state for educational and religious purposes, shall forever be preserved inviolate, and undiminished ; and, the income arising therefrom, shall be faithfully applied to the specific objects of the original grants, or appropriations.

SEC. 2. The general assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the state; but no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state.

ARTICLE VII.

PUBLIC INSTITUTIONS.

SECTION 1. Institutions for the benefit of the insane, blind and deaf and dumb, shall always be fostered and supported by the state; and be subject to such regulations as may be prescribed by the general assembly.

SEC. 2. The directors of the penitentiary shall be appointed or elected in such manner as the general assembly may direct ; and the trustees of the benevolent and other state institutions, now elected by the general assembly, and of such other state institutions, as may be hereafter created, shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor, the question shall be taken by yeas and nays, and entered upon the journals of the senate.

SEC. 3. The governor shall have power to fill all vacancies that may occur in the offices aforesaid, until the next session of the general assembly, and, until a successor to his appointee shall be confirmed and qualified.

ARTICLE VIII.

PUBLIC DEBT AND PUBLIC WORKS.

SECTION 1. The state may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly, or at different periods of time, shall never exceed seven hundred and fifty thousand dollars; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to repay the debts contracted, and to no other purpose whatever.

SEC. 2. In addition to the above limited power, the state may contract debts to repel invasion, suppress insurrection, defend the state in war, or to redeem the present outstanding indebtedness of the state; but the money, arising from the contracting of such debts, shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever, and all debts, incurred to redeem the present outstanding indebtedness of the state, shall be so contracted as to be payable by the sinking fund, hereinafter provided for, as the same shall accumulate.

SEC. 3. Except the debts above specified in sections one and two of this article, no debt whatever shall hereafter be created by or on behalf of the state.

SEC. 4. The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual association or corporation whatever; nor shall the state ever hereafter become a joint owner, or stockholder in any company or association in this state, or elsewhere, formed for any purpose whatever.

SEC. 5. The state shall never assume the debts of any county, city, town, or township, or of any corporation whatever, unless such debt shall have been created to repel invasion, suppress insurrection, or defend the state in war.

SEC. 6. The general assembly shall never authorize any county, city, town, or township, by vote of its citizens or otherwise, to become a stockholder in any joint stock company, corporation, or association whatever; or to raise money for, or loan its credit to, or in aid of, any such company, corporation, or association.

SEC. 7. The faith of the state being pledged for the payment of its public debt, in order to provide therefor, there shall be created a sinking fund, which shall be sufficient to pay the accruing interest on such debt, and, annually, to reduce the principal thereof, by a sum not less than one hundred thousand dollars, increased yearly, and each and every year, by compounding, at the rate of six per cent, per annum. The said sinking fund shall consist, of the net annual income of the public works and stocks owned by the state, of any other funds or resources that are, or may be, provided by law, and of such further sum, to be raised by taxation, as may be required for the purposes aforesaid.

SEC. 8. The auditor of state, secretary of state, and attorney-general, are hereby created a board of commissioners, to be styled, "The Commissioners of the Sinking Fund."

SEC. 9. The commissioners of the sinking fund shall, immediately preceding each regular session of the general assembly, make an estimate of the probable amount of the fund, provided for in the seventh section of this article, from all sources except from taxation, and report the same, together with all their proceedings relative to said fund and the public debt, to the governor, who shall transmit the same with his regular message, to the general assembly; and the general assembly shall make all necessary provision for raising and disbursing said sinking fund, in pursuance of the provisions of this article.

SEC. 10. It shall be the duty of the said commissioners faithfully to apply said fund, together with all moneys that may be, by the general assembly, appropriated to that object, to the payment of the interest, as it becomes due, and the redemption of the principal of the public debt of the state, excepting only, the school and trust funds held by the state.

SEC. 11. The said commissioners shall, semi-annually, make a full and detailed report of their proceedings to the governor, who shall immediately, cause the same to be published, and shall also communicate the same to the general assembly, forthwith, if it be in session, and if not, then at its first session after such report shall be made.

SEC. 12. So long as this state shall have public works which require superintendence, there shall be a board of public works, to consist of three members, who shall be elected by the people, at the first general election after the adoption of this constitution, one for the term of one year, one for the term of two years, and one for the term of three

years; and one member of said board shall be elected annually thereafter, who shall hold his office for three years.

SEC. 13. The powers and duties of said board of public works, and its several members, and their compensation, shall be such as now are, or may be, prescribed by law.

ARTICLE IX.

MILITIA.

SECTION 1. All white male citizens, residents of this state, being eighteen years of age, and under the age of forty-five years, shall be enrolled in the militia, and perform military duty, in such manner, not incompatible with the constitution and laws of the United States, as may be prescribed by law.

SEC. 2. Majors general, brigadiers general, colonels, lieutenant colonels, majors, captains, and subalterns, shall be elected by the persons subject to military duty, in their respective districts.

SEC. 3. The governor shall appoint the adjutant-general, quartermaster-general, and such other staff officers, as may be provided for by law. Majors general, brigadiers general, colonels, or commandants of regiments, battalions, or squadrons, shall, severally, appoint their staff, and captains shall appoint their non-commissioned officers and musicians.

SEC. 4. The governor shall commission all officers of the line and staff, ranking as such; and shall have power to call forth the militia, to execute the laws of the state, to suppress insurrection, and repel invasion.

SEC. 5. The general assembly shall provide, by law, for the protection and safe keeping of the public arms.

ARTICLE X.

COUNTY AND TOWNSHIP ORGANIZATIONS.

SECTION 1. The general assembly shall provide, by law, for the election of such county and township officers as may be necessary.

SEC. 2. County officers shall be elected on the first Tuesday after the first Monday in November, by the electors of each county, in such

manner, and for such term, not exceeding three years, as may be provided by law. [*As amended October 13, 1885; 82 v. 446.*]

SEC. 3. No person shall be eligible to the office of sheriff, or county treasurer, for more than four years, in any period of six years.

SEC. 4. Township officers shall be elected by the electors of each township at such time, in such manner and for such term, not exceeding three years, as may be provided by law; but shall hold their offices until their successors are elected and qualified. [*As amended October 13, 1885; 82 v. 449.*]

SEC. 5. No money shall be drawn from any county or township treasury, except by authority of law.

SEC. 6. Justices of the peace, and county and township officers, may be removed, in such manner and for such cause, as shall be prescribed by law.

SEC. 7. The commissioners of counties, the trustees of townships, and similar boards, shall have such power of local taxation, for police purposes, as may be prescribed by law.

ARTICLE XI.

APPORTIONMENT.

SECTION 1. The apportionment of this state for members of the general assembly shall be made every ten years, after the year one thousand eight hundred and fifty-one, in the following manner: The whole population of the state, as ascertained by the federal census, or in such other mode as the general assembly may direct, shall be divided by the number "one hundred," and the quotient shall be the ratio of representation in the house of representatives, for ten years next succeeding such apportionment.

SEC. 2. Every county having a population equal to one-half of said ratio, shall be entitled to one representative; every county, containing said ratio, and three-fourths over, shall be entitled to two representatives; every county containing three times said ratio, shall be entitled to three representatives; and so on, requiring after the first two, an entire ratio for each additional representative. Provided, however, that each county shall have one representative.

SEC. 3. When any county shall have a fraction above the ratio, so large, that being multiplied by five, the result will be equal to one or

more ratios, additional representatives shall be apportioned for such ratios, among the several sessions of the decennial period, in the following manner : If there be only one ratio, a representative shall be allotted to the fifth session of the decennial period ; if there are two ratios, a representative shall be allotted to the fourth and third session, respectively ; if three, to the third, second, and first sessions, respectively ; if four, to the fourth, third, second, and first sessions, respectively.

SEC. 4. Any county, forming with another county, or counties, a representative district, during one decennial period, if it have acquired sufficient population at the next decennial period, shall be entitled to a separate representation, if there shall be left, in the district from which it shall have been separated, a population sufficient for a representative ; but no such change shall be made, except at the regular decennial period for the apportionment of representatives.

SEC. 5. If, in fixing any subsequent ratio, a county, previously entitled to a separate representation, shall have less than the number required by the new ratio for a representative, such county shall be attached to the county adjoining it, having the least number of inhabitants ; and the representation of the district, so formed, shall be determined as herein provided.

SEC. 6. The ratio for a senator shall forever, hereafter, be ascertained, by dividing the whole population of the state by the number thirty-five.

SEC. 7. The state is hereby divided into thirty-three senatorial districts, as follows : The county of Hamilton shall constitute the first senatorial district ; the counties of Butler and Warren, the second ; Montgomery and Preble, the third ; Clermont and Brown, the fourth ; Greene, Clinton, and Fayette, the fifth ; Ross and Highland, the sixth ; Adams, Pike, Scioto, and Jackson, the seventh ; Lawrence, Gallia, Meigs, and Vinton, the eighth ; Athens, Hocking, and Fairfield, the ninth ; Franklin and Pickaway, the tenth ; Clark, Champaign, and Madison, the eleventh ; Miami, Darke, and Shelby, the twelfth ; Logan, Union, Marion, and Hardin, the thirteenth ; Washington and Morgan, the fourteenth ; Muskingum and Perry, the fifteenth ; Delaware and Licking, the sixteenth ; Knox and Morrow, the seventeenth ; Coshocton and Tuscarawas, the eighteenth ; Guernsey and Monroe, the nineteenth ; Belmont and Harrison, the twentieth ; Carroll and Stark, the twenty-first ; Jefferson and Columbiana, the twenty-second ; Trum-

bull and Mahoning, the twenty-third; Ashtabula, Lake, and Geauga, the twenty-fourth; Cuyahoga, the twenty-fifth; Portage and Summit, the twenty-sixth; Medina and Lorain, the twenty-seventh; Wayne and Holmes, the twenty-eighth; Ashland and Richland, the twenty-ninth; Huron, Erie, Sandusky, and Ottawa, the thirtieth; Seneca, Crawford, and Wyandot, the thirty-first; Mercer, Auglaize, Allen, Van Wert, Paulding, Defiance, and Williams, the thirty-second; and Hancock, Wood, Lucas, Fulton, Henry, and Putnam, the thirty-third. For the first decennial period, after the adoption of this constitution, each of said districts shall be entitled to one senator, except the first district, which shall be entitled to three senators.

SEC. 8. The same rules shall be applied, in apportioning the fractions of senatorial districts, and in annexing districts, which may hereafter have less than three-fourths of a senatorial ratio, as are applied to representative districts.

SEC. 9. Any county forming part of a senatorial district, having acquired a population equal to a full senatorial ratio, shall be made a separate senatorial district, at any regular decennial apportionment, if a full senatorial ratio shall be left in the district from which it shall be taken.

SEC. 10. For the first ten years after the year one thousand eight hundred and fifty-one, the apportionment of representatives shall be as provided in the schedule, and no changes shall ever be made in the principles of representation, as herein established, or, in the senatorial districts, except as above provided. All territory, belonging to a county at the time of any apportionment, shall, as to the right of representation and suffrage, remain an integral part thereof, during the decennial period.

SEC. 11. The governor, auditor, and secretary of state, or any two of them, shall, at least six months prior to the October election, in the year one thousand eight hundred and sixty-one, and, at each decennial period thereafter, ascertain and determine the ratio of representation, according to the decennial census, the number of representatives and senators each county or district shall be entitled to elect, and for what years, within the next ensuing ten years, and the governor shall cause the same to be published, in such manner as shall be directed by law.

SEC. 12. For judicial purposes, the state shall be apportioned as follows:

The county of Hamilton shall constitute the first district, which shall not be subdivided; and the judges therein may hold separate courts or separate sittings of the same court, at the same time.

The counties of Butler, Preble, and Darke, shall constitute the first subdivision; Montgomery, Miami, and Champaign the second; and Warren, Clinton, Greene, and Clarke, the third subdivision, of the second district; and, together, shall form such district.

The counties of Shelby, Auglaize, Allen, Hardin, Logan, Union, and Marion, shall constitute the first subdivision; Mercer, Van Wert, Putnam, Paulding, Defiance, Williams, Henry, and Fulton the second; and Wood, Seneca, Hancock, Wyandot, and Crawford, the third subdivision, of the third district; and, together, shall form such district.

The counties of Lucas, Ottawa, Sandusky, Erie, and Huron, shall constitute the first subdivision; Lorain, Medina, and Summit, the second; and the county of Cuyahoga the third subdivision, of the fourth district; and, together, shall form such district.

The counties of Clermont, Brown, and Adams, shall constitute the first subdivision; Highland, Ross, and Fayette, the second; and Pickaway, Franklin, and Madison, the third subdivision, of the fifth district; and, together, shall form such district.

The counties of Licking, Knox, and Delaware, shall constitute the first subdivision; Morrow, Richland, and Ashland, the second; and Wayne, Holmes, and Coshocton, the third subdivision, of the sixth district; and, together, shall form such district.

The counties of Fairfield, Perry, and Hocking, shall constitute the first subdivision; Jackson, Vinton, Pike, Scioto, and Lawrence, the second; and Gallia, Meigs, Athens, and Washington, the third subdivision, of the seventh district, and, together, shall form such district.

The counties of Muskingum and Morgan shall constitute the first subdivision; Guernsey, Belmont, and Monroe, the second; and Jefferson, Harrison, and Tuscarawas, the third subdivision, of the eighth district; and, together, shall form such district.

The counties of Stark, Carroll, and Columbiana, shall constitute the first subdivision; Trumbull, Portage, and Mahoning, the second; and Geauga, Lake, and Ashtabula, the third subdivision of the ninth district, and, together, shall form such district.

SEC. 13. The general assembly shall attach any new counties, that may hereafter be erected, to such districts or subdivisions thereof as shall be most convenient.

ARTICLE XII.

FINANCE AND TAXATION.

SECTION 1. The levying of taxes, by the poll, is grievous and oppressive; therefore, the general assembly shall never levy a poll tax, for county or state purposes.

SEC. 2. Laws shall be passed, taxing by a uniform rule, all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also all real and personal property according to its true value in money, excepting bonds of the state of Ohio, bonds of any city, village, hamlet, county, or township in this state, and bonds issued in behalf of the public schools of Ohio and the means of instruction in connection therewith, which bonds shall be exempt from taxation; but burying grounds, public schoolhouses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property, to an amount not exceeding in value two hundred dollars, for each individual, may, by general laws, be exempted from taxation; but all such laws shall be subject to alteration or repeal; and the value of all property, so exempted, shall, from time to time, be ascertained and published as may be directed by law.

SEC. 3. The general assembly shall provide, by law, for taxing the notes and bills discounted or purchased, moneys loaned, and all other property, effects, or dues, of every description, (without deduction) of all banks, now existing, or hereafter created, and of all bankers, so that all property employed in banking shall always bear a burden of taxation, equal to that imposed on the property of individuals.

SEC. 4. The general assembly shall provide for raising revenue, sufficient to defray the expenses of the state, for each year, and also a sufficient sum to pay the interest on the state debt.

SEC. 5. No tax shall be levied, except in pursuance of law, and every law imposing a tax, shall state, distinctly, the object of the same, to which only, it shall be applied.

SEC. 6. The state shall never contract any debt for purposes of internal improvement.

ARTICLE XIII.

CORPORATIONS.

SECTION 1. The general assembly shall pass no special act conferring corporate powers.

SEC. 2. Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed.

SEC. 3. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her.

SEC. 4. The property of corporations, now existing or hereafter created, shall forever be subject to taxation, the same as the property of individuals.

SEC. 5. No right of way shall be appropriated to the use of any corporation, until full compensation therefor be first made in money, or first secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation; which compensation shall be ascertained by a jury of twelve men, in a court of record, as shall be prescribed by law.

SEC. 6. The general assembly shall provide for the organization of cities, and incorporated villages, by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such power.

SEC. 7. No act of the general assembly, authorizing associations with banking powers, shall take effect until it shall be submitted to the people at the general election next succeeding the passage thereof, and be approved by a majority of all the electors voting at such election.

ARTICLE XIV.

JURISPRUDENCE.

SECTION 1. The general assembly, at its first session after the adoption of this constitution, shall provide for the appointment of three commissioners, and prescribe their tenure of office, compensation, and the mode of filling vacancies in said commission.

SEC. 2. The said commissioners shall revise, reform, simplify, and

abridge the practice, pleadings, forms, and proceedings of the courts of record of this state; and, as far as practicable and expedient, shall provide for the abolition of the distinct forms of action at law, now in use, and for the administration of justice by a uniform mode of proceeding without reference to any distinction between law and equity.

SEC. 3. The proceedings of the commissioners shall, from time to time, be reported to the general assembly, and be subject to the action of that body.

ARTICLE XV.

MISCELLANEOUS.

SECTION 1. Columbus shall be the seat of government, until otherwise directed by law.

SEC. 2. The printing of the laws, journals, bills, legislative documents, and papers for each branch of the general assembly, with the printing required for the executive and other departments of state, shall be let, on contract, to the lowest responsible bidder, by such executive officers, and in such manner, as shall be prescribed by law.

SEC. 3. An accurate and detailed statement of the receipts and expenditures of the public money, the several amounts paid, to whom, and on what account, shall, from time to time, be published, as shall be prescribed by law.

SEC. 4. No person shall be elected or appointed to any office in this state, unless he possess the qualifications of an elector.

SEC. 5. No person who shall hereafter fight a duel, assist in the same as second, or send, accept, or knowingly carry, a challenge therefor, shall hold any office in this state.

SEC. 6. Lotteries, and the sale of lottery tickets, for any purpose whatever, shall forever be prohibited in this state.

SEC. 7. Every person chosen or appointed to any office under this state, before entering upon the discharge of its duties, shall take an oath or affirmation, to support the constitution of the United States, and of this state, and also an oath of office.

SEC. 8. There may be established, in the secretary of state's office, a bureau of statistics, under such regulations as may be prescribed by law.

SEC. 9. No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the general assembly may by law, provide against evils resulting therefrom.

ARTICLE XVI.

AMENDMENTS.

SECTION 1. Either branch of the general assembly may propose amendments to this constitution; and, if the same shall be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and shall be published in at least one newspaper in each county of the state, where a newspaper is published, for six months preceding the next election for senators and representatives, at which time the same shall be submitted to the electors, for their approval or rejection; and of a majority of the electors, voting at such election, shall adopt such amendments, the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment, separately.

SEC. 2. Whenever two-thirds of the members elected to each branch of the general assembly, shall think it necessary to call a convention, to revise, amend, or change this constitution, they shall recommend to the electors to vote, at the next election for members to the general assembly, for or against a convention; and if a majority of all of the electors, voting at said election, shall have voted for a convention, the general assembly shall, at their next session, provide, by law, for calling the same. The convention shall consist of as many members as the house of representatives, who shall be chosen in the same manner, and shall meet within three months after their election, for the purpose aforesaid.

SEC. 3. At the general election, to be held in the year one thousand eight hundred and seventy-one, and in each twentieth year thereafter, the question: "Shall there be a convention to revise, alter, or amend the Constitution," shall be submitted to the electors of the state; and, in case a majority of all the electors, voting at such election, shall decide in favor of a convention, the general assembly, at its next session, shall provide, by law, for the election of delegates, and the assembling of such convention, as is provided in the preceding

section ; but no amendment of this constitution, agreed upon by any convention assembled in pursuance of this article, shall take effect, until the same shall have been submitted to the electors of the state, and adopted by a majority of those voting thereon.

SCHEDULE.

SECTION 1. All laws of this state in force on the first day of September, one thousand eight hundred and fifty-one, not inconsistent with the constitution shall continue in force, until amended, or repealed.

SEC. 2. The first election for members of the general assembly, under this constitution, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one.

SEC. 3. The first election for governor, lieutenant-governor, auditor, treasurer, and secretary of state, and attorney-general, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one. The persons, holding said offices on the first day of September, one thousand eight hundred and fifty-one, shall continue therein, until the second Monday of January, one thousand eight hundred and fifty-two.

SEC. 4. The first election for judges of the supreme court, courts of common pleas, and probate courts, and clerks of the courts of common pleas, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one, and the official term of said judges and clerks, so elected, shall commence on the second Monday of February, one thousand eight hundred and fifty-two. Judges and clerks of the courts of common pleas and supreme court, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office with their present powers and duties until the second Monday of February, one thousand eight hundred and fifty-two. No suit or proceeding, pending in any of the courts of this state shall be affected by the adoption of this constitution.

SEC. 5. The register and receiver of the land office, directors of the penitentiary, directors of the benevolent institutions of the state, the state librarian, and all other officers, not otherwise provided for in this constitution, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office, until their terms expire, respectively, unless the general assembly shall otherwise provide.

SEC. 6. The superior and commercial courts of Cincinnati, and the

superior court of Cleveland, shall remain, until otherwise provided by law, with their present powers and jurisdiction ; and the judges and clerks of said courts, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office until the expiration of their terms of office, respectively, or, until otherwise provided by law ; but neither of said courts shall continue after the second Monday of February, one thousand eight hundred and fifty-three ; and no suits shall be commenced in said two first mentioned courts, after the second Monday of February, one thousand eight hundred and fifty-two, nor in said last mentioned court, after the second Monday in August, one thousand eight hundred and fifty-two ; and all business in either of said courts, not disposed of within the time limited for their continuance as aforesaid, shall be transferred to the court of common pleas.

SEC. 7. All county and township officers and justices of the peace, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office until their terms expire, respectively.

SEC. 8. Vacancies in office, occurring after the first day of September, one thousand eight hundred and fifty-one, shall be filled, as is now prescribed by law, and until officers are elected or appointed, and qualified, under this constitution.

SEC. 9. This constitution shall take effect on the first day of September, one thousand eight hundred and fifty-one.

SEC. 10. All officers shall continue in office, until their successors shall be chosen and qualified.

SEC. 11. Suits pending in the supreme court in bank, shall be transferred to the supreme court provided for in this constitution, and be proceeded in according to law.

SEC. 12. The district courts shall, in their respective counties, be the successors of the present supreme court ; and all suits, prosecutions, judgments, records, and proceedings, pending and remaining in said supreme court, in the several counties of any district, shall be transferred to the respective district courts of such counties, and be proceeded in, as though no change had been made in said supreme court.

SEC. 13. The said courts of common pleas, shall be the successors of the present courts of common pleas in the several counties, except as to probate jurisdiction ; and all suits, prosecutions, proceedings, records and judgments, pending or being in said last mentioned courts, except

as aforesaid, shall be transferred to the courts of common pleas created by this constitution, and proceeded in, as though the same had been therein instituted.

SEC. 14. The probate courts provided for in this constitution, as to all matters within the jurisdiction conferred upon said courts, shall be the successors, in the several counties, of the present courts of common pleas; and the records, files, and papers, business and proceedings, appertaining to said jurisdiction, shall be transferred to said courts of probate, and be there proceeded in, according to law.

SEC. 15. Until otherwise provided by law, elections for judges and clerks shall be held, and the poll-books returned, as is provided for governor, and the abstract therefrom, certified to the secretary of state, shall be by him opened, in the presence of the governor, who shall declare the result, and issue commissions to the persons elected.

SEC. 16. Where two or more counties are joined in a senatorial, representative, or judicial district, the returns of election shall be sent to the county having the largest population.

ARTICLE XVII.

ELECTIONS.*

SECTION 1. Elections for state and county officers shall be held on the first Tuesday after the first Monday in November in the even numbered years; and all elections for all other elective officers shall be held on the first Tuesday after the first Monday in November in the odd numbered years.

SEC. 2. The term of office of the governor, lieutenant-governor, attorney-general, secretary of state and treasurer of state shall be two years, and that of the auditor of state shall be four years. The term of office of the judges of the supreme court and circuit courts shall be such even number of years not less than six (6) years as may be prescribed by the general assembly; that of the judges of the common pleas court six (6) years and of the judges of the probate court, four (4) years, and that of other judges shall be such even number of years not exceeding six (6) years as may be prescribed by the general assembly. The term of office of justices of the peace shall be such even number of years not exceeding four (4) years, as may be prescribed by

* This is an amendment which has been added to the Constitution.

the general assembly. The term of office of the members of the board of public works shall be such even number of years not exceeding six (6) years as may be so prescribed ; and the term of office of all elective county, township, municipal and school officers shall be such even number of years not exceeding four (4) years as may be so prescribed.

And the general assembly shall have power to so extend existing terms of office as to effect the purpose of Section 1 of this article.

Any vacancy which may occur in any elective state office other than that of a member of the general assembly or of governor, shall be filled by appointment by the governor until the disability is removed, or a successor elected and qualified. Every such vacancy shall be filled by election at the first general election for the office which is vacant, that occurs more than thirty (30) days after the vacancy shall have occurred. The person elected shall fill the office for the unexpired term. All vacancies in other elective offices shall be filled for the unexpired term in such manner as may be prescribed by law.

SEC. 3. Every elective officer holding office when this amendment is adopted, shall continue to hold such office for the full term for which he was elected, and until his successor shall be elected and qualified as provided by law.

APPENDIX B.

CONGRESSIONAL DISTRICTS.

First and Second Districts—Hamilton County.

Third—Preble, Montgomery and Butler.

Fourth—Allen, Mercer, Auglaize, Shelby and Darke.

Fifth—Williams, Henry, Defiance, Paulding, Putnam and Van Wert.

Sixth—Greene, Warren, Clinton, Highland, Clermont and Brown.

Seventh—Miami, Clark, Madison, Fayette and Pickaway.

Eighth—Hancock, Hardin, Logan, Champaign, Union and Delaware.

Ninth—Fulton, Lucas, Wood and Ottawa.

Tenth—Adams, Pike, Jackson, Scioto, Lawrence and Gallia.

Eleventh—Ross, Fairfield, Perry, Logan, Vinton, Athens and Meigs.

Twelfth—Franklin.

Thirteenth—Sandusky, Erie, Seneca, Wyandot, Crawford and Marion.

Fourteenth—Lorain, Huron, Ashland, Richland, Morrow and Knox.

Fifteenth—Muskingum, Guernsey, Noble, Morgan and Washington.

Sixteenth—Carroll, Jefferson, Harrison, Belmont and Monroe.

Seventeenth—Wayne, Holmes, Tuscarawas, Coshocton and Licking.

Eighteenth—Stark, Mahoning and Columbiana.

Nineteenth—Geauga, Ashtabula, Trumbull, Portage and Summit.

Twentieth and Twenty-first—Medina, Lake and Cuyahoga.

APPENDIX C.

SENATORIAL DISTRICTS.

First District—Hamilton County.

Second and Fourth—Butler, Warren, Clermont and Brown.

Third—Preble and Montgomery.

Fifth and Sixth—Greene, Fayette, Clinton, Highland and Ross.

Seventh—Adams, Pike, Scioto and Jackson.

Eighth—Vinton, Meigs, Gallia and Lawrence.

Ninth and Fourteenth—Fairfield, Logan, Athens, Morgan and Washington.

Tenth—Franklin and Pickaway.

Eleventh—Champaign, Clark and Madison.

Twelfth—Darke, Shelby and Miami.

Thirteenth—Hardin, Marion, Logan and Union.

Fifteenth and Sixteenth—Delaware, Licking, Muskingum and Perry.

Seventeenth and Twenty-eighth—Morrow, Knox, Holmes and Wayne.

Eighteenth and Nineteenth—Tuscarawas, Coshocton, Guernsey, Noble and Monroe.

Twentieth and Twenty-second—Belmont, Harrison, Jefferson and Columbiana.

Twenty-first—Stark and Carroll.

Twenty-third—Trumbull and Mahoning.

Twenty-fourth and Twenty-sixth—Ashtabula, Lake, Geauga, Portage and Summit.

Twenty-fifth—Cuyahoga.

Twenty-seventh and Twenty-ninth—Lorain, Medina, Ashland and Richland.

Thirtieth—Ottawa, Sandusky, Erie and Huron.

Thirty-first—Seneca, Wyandot and Crawford.

Thirty-second—Williams, Defiance, Paulding, Van Wert, Allen, Mercer, and Auglaize.

Thirty-third—Fulton, Henry, Putnam, Wood and Hancock.

Thirty-fourth—Lucas.

APPENDIX D.

CIRCUIT JUDICIAL DISTRICTS.

First Circuit—Hamilton, Clermont, Clinton, Warren and Butler Counties.

Second Circuit—Franklin, Fayette, Madison, Champaign, Clark, Greene, Montgomery, Miami, Shelby, Darke and Preble.

Third Circuit—Union, Marion, Crawford, Seneca, Wyandot, Hardin, Logan, Hancock, Henry, Putnam, Allen, Auglaize, Defiance, Paulding, Van Wert and Mercer.

Fourth Circuit—Brown, Adams, Highland, Scioto, Pike, Ross, Pickaway, Hocking, Vinton, Jackson, Lawrence, Gallia, Meigs, Athens and Washington.

Fifth Circuit—Ashland, Richland, Morrow, Delaware, Knox, Licking, Fairfield, Perry, Morgan, Muskingum, Coshocton, Holmes, Wayne, Stark and Tuscarawas.

Sixth Circuit—Williams, Fulton, Lucas, Ottawa, Sandusky, Erie, Wood and Huron.

Seventh Circuit—Lake, Ashtabula, Geauga, Trumbull, Portage, Mahoning, Columbiana, Carroll, Jefferson, Harrison, Guernsey, Belmont, Noble and Monroe.

Eighth Circuit—Cuyahoga, Lorain, Medina and Summit.

APPENDIX E.

COMMON PLEAS JUDICIAL DISTRICTS AND SUB-DIVISIONS.

First District—Hamilton County.

Second District—

First Sub-Division—Butler.

Second Sub-Division—Darke, Miami, Champaign, Clark and Preble.

Third Sub-Division—Montgomery, Greene, Warren and Clinton.

Third District—

First Sub-Division—Shelby, Auglaize, Mercer, Van Wert and Allen.

Second Sub-Division—Williams, Defiance and Paulding.

Third Sub-Division—Fulton, Henry and Putnam.

Fourth District—

First Sub-Division—Lucas, Ottawa, Sandusky, Erie and Huron.

Second Sub-Division—Lorain, Medina and Summit.

Third Sub-Division—Cuyahoga.

Fifth District—

First Sub-Division—Clermont and Brown.

Second Sub-Division—Highland, Ross, Fayette, Pickaway and Madison.

Third Sub-Division—Franklin.

Sixth District—

First Sub-Division—Delaware, Licking and Knox.

Second Sub-Division—Morrow, Richland and Ashland.

Third Sub-Division—Coshocton, Holmes and Wayne.

Seventh District—

First Sub-Division—Fairfield, Perry and Hocking.

Second Sub-Division—Adams, Scioto, Pike, Lawrence and Jackson.

Third Sub-Division—Gallia, Vinton, Meigs, Athens, Washington and Monroe.

Eighth District—

First Sub-Division—Muskingum, Morgan, Guernsey and Noble.

Second Sub-Division—Belmont.

Third Sub-Division—Tuscarawas, Harrison and Jefferson.

Ninth District—

First Sub-Division—Stark, Carroll and Columbiana.

Second Sub-Division—Portage, Warren and Mahoning.

Third Sub-Division—Lake, Geauga and Ashtabula.

Tenth District—

First Sub-Division—Wood, Hancock, Hardin and Seneca.

Second Sub-Division—Wyandot, Crawford and Marion.

Third Sub-Division—Logan and Union.

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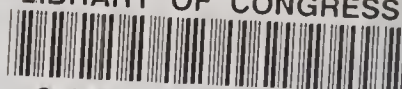
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